ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. li.

An Act for amending the Road from *Keighley* to *Bradford*, and for making and maintaining a Branch therefrom, all in the West Riding of the County of *York*. [12th *May* 1815.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Roads from* Kighley *to* Wakefield *and* Halifax, *and from* Dudley Hill *to* Killinghall, *and the South-west Corner of* Harrowgate *Inclosures; and more effectually to repair the Roads from* Leeds *to* Halifax *and* Bowling Lane *and* Little Horton Lane; *and for building a Bridge over the River Wharf at* Poole, *in the West Riding of the County of* York: And whereas another Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of so much of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, for repairing certain Roads therein mentioned, as relates to the Roads from* Kighley *to* Wakefield, *and from* Kighley *to* Halifax, *and from* Dudley Hill *through* Beckwith Shaw *to* Killinghall, *and from* Beckwith Shaw *to the South-west Corner of* Harrowgate *Inclosures, in the West Riding of the County of* York: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of certain Acts for repairing several Roads in the West Riding of the County of* York, *so far as relates to the Road from* Keighley *to* Bradford: And

26 G. 2.

17 G. 3.

35 G. 3.

whereas a conſiderable Sum of Money hath been borrowed on the Credit of the Tolls authorized to be collected upon the ſaid Road from *Keighley* to *Bradford*, which ſtill remains due and owing: And whereas the making and maintaining of a new Branch of Road, from and out of the ſaid Turnpike Road from *Keighley* to *Bradford*, at or near a certain Place called *The Archway* in *Cottingley*, in the Pariſh of *Bingley*, in, through, and over the Townſhips or Places of *Cottingley*, *Shipley*, *Heaton*, *Manningham*, and *Bradford*, in the Pariſhes of *Bingley* and *Bradford*, unto or near the North Side of the Town of *Bradford*, in the ſaid Weſt Riding, would be of great Benefit and Convenience to the Perſons reſiding in the Neighbourhood of the ſaid ſeveral Townſhips, Pariſhes, and Places, and alſo of general public Utility: And whereas the ſaid Road from *Keighley* to *Bradford* cannot be ſufficiently widened, improved, amended, and kept in Repair, nor can ſuch aforeſaid Branch of Road be made or maintained, unleſs the ſaid Tolls are increaſed, and the Powers, Authorities, and Proviſions contained in the ſaid ſeveral Acts, ſo far as the ſame relate to the ſaid Road from *Keighley* through *Bingley* to *Bradford*, are enlarged; and it is expedient that the ſame ſhould be conſolidated and compriſed in One Act: 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 Twenty-ſixth Year of the Reign of King *George* the Second, and of the Seventeenth and Thirty-fifth Years of the Reign of His preſent Majeſty, ſo far as the ſame or any of them reſpectively relate to the ſaid Road from *Keighley* through *Bingley* to *Bradford* aforeſaid, by this Act intended to be repaired, amended, and kept in Repair, ſhall be and the ſame are hereby declared to be repealed; and this Act, and the Tolls hereby granted, ſhall be and the ſame are hereby made ſubject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid recited Acts, or any of them, on the ſaid Road, and of all Intereſt due and to grow due thereon, as fully and effectually to all Intents and Purpoſes as if ſuch Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

Appointment of Truſtees.

II. And be it further enacted, That *William Twiſs*, Lieutenant General in the Army, *Edward Ferrand*, *Walker Ferrand*, *William Ellis*, *Johnſon Atkinſon Buſfeild*, *William Buſfeild*, *Currer Fothergill Buſfeild*, *John Lambert*, *John Myers* Clerk, *Richard Hartley* Doctor in Divinity, *Joſhua Field*, *John Wilmer Field*, *Joſhua Field* the younger, *Richard Bradley Wainman*, *Charles Walker*, *Joſeph Heaton*, *Samuel Hailſtone*, *Matthew Wilſon*, *William Penny* Clerk, *John Greenwood*, *William Clayton*, *Matthew Thompſon*, *Benjamin Thompſon*, *Richard Fawcett*, *William Pollard*, *William Pollard* the younger, *Benjamin Rawſon*, *John Jarratt*, *John Hardy*, *Charles Hardy* Clerk, *Nathan Jowett*, *Ellis Cunliffe Liſter*, *Joſeph Hollings*, *Thomas Hollings*, *Samuel Broadley*, *Francis Sharp Bridges*, *John Bleſſard*, *Joſhua Crompton*, *Rookes Crompton*, *Richard Hodgſon*, *John Sturges*, *Thomas Maſon*, *John Green Paley*, *Joſeph Dawſon*, *Chriſtopher Holdſworth Dawſon*, *Henry William Oates*, *Francis Duffield*, *Greenwood Bentley*, *Thomas Skelton*, *Richard Sclater*, *John Huſtler*, *George Liſter*, *John Maud*, and *Richard Croſley*, and their Succeſſors, to be elected as herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, repairing, widening, diverting,

diverting, altering, improving, and keeping in Repair the ſaid Road from *Keighley* through *Bingley*, to the Weſt End of the Town of *Bradford* aforeſaid, and the ſaid Branch of Road from or near *The Archway* in *Cottingley* aforeſaid, to the North Side of the Town of *Bradford* aforeſaid, and for otherwiſe putting this Act into Execution.

Power to appoint additional Truſtees.

III. 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 chooſe new Truſtees.

IV. And be it further enacted, That in caſe any of the Truſtees named in or to be appointed by virtue of this Act, ſhall die or become bankrupt or inſolvent, or refuſe, decline, remove to a Diſtance, or become incapable to act, it ſhall and may be lawful for any Five or more of the ſurviving or remaining Truſtees, by Writing under their Hands, (at any Meeting, whereof at leaſt Ten Days Notice ſhall be given upon all the Toll Gates erected or to be erected upon the ſaid Roads, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting) to nominate and appoint ſome other Perſon to be a Truſtee in the room of ſuch Truſtee ſo dying, becoming bankrupt or inſolvent, or refuſing, declining, removing, or becoming incapable to act as aforeſaid; and every Perſon ſo nominated and appointed as aforeſaid, (being qualified as by this Act is required) ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act as the Perſon had in whoſe ſtead he ſhall be ſo appointed.

Qualification of Truſtees.

V. 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 be ſeiſed of or otherwiſe entitled in Poſſeſſion to an Eſtate of Freehold or Copyhold Lands, Tenements or Hereditaments in the Weſt Riding of the County of *York*, of the clear yearly Value of One hundred Pounds above all Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate of the Amount or Value of Three thouſand Pounds after Payment of all his juſt Debts, or unleſs ſuch Perſon ſhall be Heir Apparent to a Perſon poſſeſſed of or otherwiſe entitled to an Eſtate in Freehold or Copyhold Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds in the ſaid Weſt Riding of the County of *York*, above all Reprizes: Provided alſo, that every Truſtee before he ſhall act as ſuch (except in adminiſtering the following Oath) ſhall take and ſubſcribe an Oath or Affirmation before One or more of the ſaid Truſtees, who are hereby empowered to adminiſter the ſame in the Form or to the Effect following:

Truſtees to take Oath of being qualified.

Oath.

‘ I *A. B.* do ſwear [*or* being one of the People called *Quakers*, do ſolemnly declare and affirm], That I truly and *bonâ fide* have an Eſtate in Law and Equity, to and for my own Uſe and Benefit, conſiſting of Freehold and Copyhold Lands, Tenements, or Hereditaments lying within the Weſt Riding of the County of *York*, of the clear yearly Value of

‘ of

'of One hundred Pounds above all Reprizes, [*or*, that I am poſſeſſed of 'or entitled to a Perſonal Eſtate of the Value of Three thouſand Pounds, 'after Payment of all my juſt Debts] or, [*in caſe of an Heir Apparent*,] 'that I am Heir Apparent to *C. D.* who to the beſt of my Knowledge, 'Information, and Belief, is truly and *bonâ fide* ſeiſed of or entitled to 'Freehold or Copyhold Lands, Tenements, or Hereditaments, lying and 'being in the Weſt Riding of the County of *York*, of the clear yearly 'Value of Two hundred Pounds above Reprizes and Incumbrances, [*as 'the Caſe may be*]; and that I will faithfully and impartially, according to 'the beſt of my Judgement, act in the Execution and Performance of the 'ſeveral Truſts, Powers, and Authorities repoſed in me as a Truſtee under 'and by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of 'King *George* the Third, intituled *An Act for amending the Road from* 'Keighley *to* Bradford, *and for making and maintaining a Branch there-* '*from, all in the Weſt Riding of the County of* York. So help me GOD.'

No Truſtee to be capable of acting, if he holds a Place of Profit, &c.

Nor ſhall any Perſon be capable of acting as a Truſtee, nor in Execution of any of the Powers by this Act granted, during the Time in which he ſhall hold any Place of Profit under this Act, nor in any Caſe where he ſhall be perſonally intereſted otherwiſe than as a Creditor; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, be capable of acting as a Truſtee in the Execution of this Act; and if any Perſon, not qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall preſume to act 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* or elſewhere, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo 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 always, that all Acts which ſhall have been done by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified to act according to the Directions of this Act.

Meetings of Truſtees, &c.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Brown Cow* Inn, or ſome other convenient Houſe in or near to the Town of *Bingley* aforeſaid, 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 to meet at ſuch Times and at ſuch Place or Places upon or near the ſaid Roads as they ſhall think proper; and that Two Truſtees preſent at any Meeting ſhall be ſufficient to adjourn the ſame; and if a competent Number of Truſtees ſhall not be preſent at any Meeting to act or adjourn, or in caſe the Truſtees preſent at any Meeting ſhall omit to adjourn the ſame, then and in every ſuch Caſe the Clerk to the Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting ſhould have been held, or was held, (as the Caſe may be) and to ſuch Time as he ſhall think fit, not being more than Thirty Days, nor leſs than Ten Days from the laſt Meeting or intended Meeting; and ſhall thereof

thereof give Notice in Writing on all the Turnpikes then erected by virtue of this Act, at leaſt Ten Days before the Time of ſuch intended Meeting; and if no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall and may be lawful to and for the Clerk to the ſaid Truſtees, or any Three or more of ſuch Truſtees, to cauſe Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, and alſo to be inſerted in ſome Newſpaper uſually circulating in the Neighbourhood of the ſaid Roads, at leaſt Ten Days before any Meeting is intended to be held, appointing the Truſtees to meet at ſuch Time and Place upon or near the ſaid Roads, as the ſaid Truſtees giving ſuch Notice ſhall think proper, not exceeding One Calendar Month, nor leſs than Fourteen Days from the Time of affixing or inſerting ſuch Notice; and that the ſaid Truſtees ſhall at their ſeveral Meetings pay their own Expences; and all Acts, Orders, Proceedings, and Determinations of the Truſtees acting 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 all Acts, Orders, and Proceedings of any Five or more of the ſaid Truſtees, or the major Part of ſuch Five or more Truſtees, had or done as aforeſaid in the Execution of this Act, ſhall be as valid and effectual as if all the Truſtees had been preſent at any ſuch Meeting and had concurred therein; and in all Caſes where any Juſtice or Juſtices of the Peace are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter ſuch Oath; and that no Order made by Five or more Truſtees ſhall be revoked or altered at any Meeting where leſs than Thirteen 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 Ten Days Notice at the leaſt of ſuch intended Revocation or Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings, and alſo affixed on all the Turnpikes which by virtue of this Act ſhall be then erected, and alſo inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads, at leaſt Ten Days before ſuch Meeting, nor unleſs a Majority of the Truſtees who ſhall be preſent at the Meeting for ſuch Revocation or Alteration, or propoſed Revocation or Alteration, ſhall concur therein.

Truſtees and Juſtices empowered to adminiſter Oaths.

VII. And be it further enacted, That if after any Adjournment 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 or printed, affixed on all the Turnpikes then erected or continued by virtue of this Act, and in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads (ſuch Time being not leſs than Six Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe the Truſtees had met in purſuance of a regular Adjournment; provided that no other Buſineſs be done at ſuch

Meetings on Emergencies.

Meeting except ſuch as ſhall be mentioned in the Notice for calling that Meeting.

Orders, &c. to be entered in a Book, which ſhall be Evidence.

VIII. 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, Aſſignments, or Securities, or Tranſcripts thereof, ſhall be admitted as Evidence in all Courts and on all Occaſions whatſoever.

Truſtees may appoint Committees.

IX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered, at any Meeting or Meetings to be held in purſuance of this Act, to nominate and appoint any Number of the ſaid Truſtees, not being leſs than Three, as a Committee or Committees, to examine into, inſpect, regulate, or ſtate any Matter or Buſineſs directed to be done by the ſaid Truſtees in Execution of this Act, as the ſaid Truſtees or any Five or more of them ſhall intruſt to ſuch Committee or Committees; and ſuch Committee or Committees ſhall be accountable to any Meeting for what they ſhall do therein, but no Money ſhall be expended or laid out by ſuch Committee or Committees without the Order or Direction of ſuch Meeting; and ſuch Committee or Committees ſhall report what they have done therein, from Time to Time at the next or ſome other Meeting of the ſaid Truſtees, and ſhall meet at and adjourn from Time to Time, to any Time or Place as they ſhall ſee Occaſion; and the Report of ſuch Committee and Committees ſhall be ſigned by them, and entered in the General Minute Book of Proceedings kept by the Clerk to the ſaid Truſtees, or in a ſeparate Book or Books, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and be referred to from the General Minute Book, and the Orders from Time to Time made in purſuance of ſuch Report or Reports ſhall refer to the Report on which the ſame was grounded.

Appointment of Officers.

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at their Firſt or any of their Meetings, ſhall and may from Time to Time by Writing under their Hands and Seals, or entered in the Book of Proceedings, to be alſo in that Caſe under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, 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, to appoint others in their ſtead; and the ſaid Truſtees, or any Five or more of them, ſhall and may and they 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, or who ſhall aſſiſt them or any of them in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the ſaid Truſtees or any Five or more of them ſhall think reaſonable; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, nor any menial Servant of any Truſtee, ſhall be appointed to or be capable of holding any Place of Profit under this Act.

XI. And

Truſtees to appoint temporary Collectors.

XI. 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 and may be lawful for any Three 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 Collector or Receiver of the Tolls, to continue until the 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 who ſhall die or be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives 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, or which now is or are erected upon the ſaid Road, for the Space of Four Days after Demand thereof made, and Notice in Writing given or left at ſuch Toll Houſe or Building for that Purpoſe, by any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting), or under the Hand of their Clerk for the Time being, then and in any of the ſaid Caſes it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace for the Weſt Riding of the County of *York*, upon Demand thereof 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, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, 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 One of them, or their new appointed Officer, into the Poſſeſſion thereof.

For recovering Poſſeſſion of Toll Houſes.

Officers to account on Oath;

and pay over Balances.

XII. 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 ſuch Perſon or Perſons as they for that Purpoſe ſhall 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 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 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 pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid

Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, any ways relating to the Execution of this Act, or to the ſaid Roads, and Complaint ſhall be made of any ſuch Neglect or Refuſal, to any Juſtice of the Peace of the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live or reſide, by the ſaid Truſtees, or any Perſon or Perſons 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, her, or their not appearing upon ſuch Summons, the ſame having been ſerved upon him, her, or them, perſonally, or left at his, her, or their uſual Place or Places of Abode (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance) to iſſue a Warrant or Warrants for his, her, or their Apprehenſion, then that it ſhall and may be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in the ſame Manner as the Truſtees might have done; 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 and 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 Non-payment 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 Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to the ſaid 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 Roads, then and in any ſuch Caſe ſuch Juſtice may and he 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, Riding, or Place where he or they ſhall live or 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 and their Accounts, 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 for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they 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.

XIII. Provided

XIII. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting on the Election of any Clerk, Treaſurer, Receiver, Collector, Surveyor, or other Officer to be employed by the ſaid Truſtees in the Execution of this Act, unleſs ſuch Truſtee ſhall have attended at ſome public Meeting of the ſaid Truſtees, and have acted there as a Truſtee, and ſigned the Book or Books in which the Orders and Proceedings of the ſaid Truſtees are uſually entered, when the ſame ſhall be ſigned by the Truſtees, or when ſigned by the Clerk, unleſs his Name appears in the Entry of the Names of the Truſtees as attending ſome Meeting or Meetings within the Space of Two Years preceding ſuch Election. Truſtees who have not acted within Two Years not to vote in the Choice of Officers.

XIV. And be it further enacted, That each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Acts, or any of them, for or in reſpect of the ſaid Road hereby intended to be repaired and maintained, ſhall hold and enjoy ſuch their ſeveral and reſpective Offices and Employments until removed therefrom by the ſaid Truſtees; and each and every ſuch Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer, ſhall have the like Power and Authority for carrying this Act into Execution, and ſhall be ſubject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all reſpects whatſoever as if he had been elected by virtue of this Act. Old Officers to continue till new ones elected.

XV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby directed and required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors appointed or continued, or to be appointed by virtue of this Act, for the due Execution of their Offices reſpectively. Treaſurer, &c. to give Security.

XVI. And be it further enacted, That the ſaid Truſtees for the Time being may ſue and be ſued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them, but that the ſaid Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action or Suit (as the Caſe may be): Provided always, that every ſuch Clerk ſhall be reimburſed out of the Monies received or to be received by virtue of the ſaid recited Acts or of this Act, all ſuch Coſts, Charges, and Expences as he ſhall be put unto or become chargeable with by reaſon of his being ſo made a Plaintiff or Defendant. Truſtees may ſue and be ſued in the Name of their Clerk.

XVII. And be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, if they ſhall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houſes now ſtanding and being in and upon or acroſs the ſaid Road, and to erect and ſet up, or build or cauſe to be erected, ſet up, and built upon, in, or acroſs the ſaid Road and Branch hereby intended to be made, maintained, repaired, and amended, or any Part thereof, or at the Entrance of any Road or Lane that doth or ſhall lead into or out of the ſaid Power to erect Turnpikes, Toll Gates, &c.

Road and Branch, or either of them, any Weighing Machine or Weighing Machines, Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, and also One or more Toll House or Toll Houses, with Out-buildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Quarter of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove, alter, and discontinue the same, or any of them, as they the said Trustees or any Five or more of them shall think proper and direct or appoint.

Limiting the Number of Gates.

XVIII. Provided always, and be it further enacted, That no more than Four Toll Gates or Turnpikes shall be erected across the said Road and Branch; and that no Two of such Gates shall be erected nearer to each other than Two Miles upon the Lines of the said Road and Branch.

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

XIX. And be it further enacted, That the Right and Property of all the Turnpikes, Weighing Machines, Toll Gates, and Toll and other Houses and Buildings, and the several Conveniences and Appurtenances thereto belonging, which have been erected under and by virtue of the said recited Acts, and which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Road and Branch, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll and other Houses and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof respectively, or any Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of the Trustees for carrying into Execution an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Road from* Keighley *to* Bradford, *and for making and maintaining a Branch therefrom, all in the West Riding of the County of* York, without naming or otherwise describing the same Trustees; and in all Civil and Criminal Proceedings whatsoever relating to the said Road and Branch, no Person or Persons by reason of being a Trustee or Trustees, Creditors and Mortgagees, Farmers, Lessees, or Collectors of the Tolls, Clerks, Treasurers, Surveyors, or other Officers or Servants of or other Persons employed by the said Trustees or any of their Officers, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Road or Branch, or either of them, do or shall pass, shall be incompetent to give Testimony or Evidence therein.

Trustees, &c. not incompetent Witnesses.

XX. Provided

Tolls and Exemptions of said former Acts to continue until a certain Day.

XX. Provided always, and be it further enacted, That all the Tolls and Duties granted and now in force by or by virtue of the said recited Acts to be taken on the said Road leading from *Keighley* through *Bingley* to *Bradford*, and all existing Exemptions therefrom, shall continue and be in force and be received and taken by virtue of this Act, at the several Toll Gates or Toll Houses which have been erected or may hereafter be erected upon the said Road, and the Branch hereby authorized to be made, until and upon the Twenty-third Day of *May* One thousand eight hundred and fifteen; and that such Tolls and Duties shall and may be collected, recovered, and applied by the same Ways and Means, and under and subject to the same Powers, Provisions, Regulations, Penalties, and Forfeitures, and for such and the same Purposes as are herein expressed and contained with respect to the Tolls by this Act granted and authorized to be collected.

Power to take Tolls.

XXI. And be it further enacted, That from and after the said Twenty-third Day of *May* One thousand eight hundred and fifteen, it shall and may be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates, or Toll Houses or Turnpike, or Toll Gate or Toll House, or Side Bar or Side Gate, or Chain, which are or is or shall be standing and being, or continued or erected in, upon, across, or on the Side of the said Road and Branch, by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Coach, Chariot, Berlin, Curricle, Calash, Phaeton, Chaise, Hearse, or other such like Carriage, drawn by Six Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five Horses or Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such like Carriage, with Wheels of less Breadth than Six Inches, or of the Breadth of Six Inches or upwards, and not having a flat and level Surface, not being laden with or going empty for Coal, or for Lime for Manure, and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Ten-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Six Inches or upwards, with a flat and level Surface, not being laden with or going empty for Coal, or for Lime for Manure, and drawn by Eight or more Horses or Beasts of Draught, the Sum of One Shilling and Eight-pence; and by Six or Seven Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five Horses or Beasts of Draught, the Sum of One Shilling and Three-

pence; and drawn by Four Horſes or Beaſts of Draught, the Sum of One Shilling and Two-pence; and drawn by Three Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes or Beaſts of Draught, the Sum of Eight-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, or of the Breadth of Six Inches or upwards, and not having a flat and level Surface, laden with or going empty for Coal, or Lime for Manure, and drawn by Four Horſes or Beaſts of Draught, the Sum of Ten-pence; and drawn by Three Horſes or Beaſts of Draught, the Sum of Eight-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Sixpence; and drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of the Breadth of Six Inches or upwards, with a flat and level Surface, going empty for or laden with Coal, or with Lime for Manure, and drawn by Six or more Horſes or Beaſts of Draught, the Sum of Nine-pence; and drawn by Five Horſes or Beaſts of Draught, the Sum of Seven-pence; and drawn by Four Horſes or Beaſts of Draught, the Sum of Sixpence; and drawn by Three Horſes or Beaſts of Draught, the Sum of Five-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Three-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Two-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, and not going empty for or returning with Coal, or with Lime for Manure, the Sum of Two-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, but going for or returning laden with Coal, or with Lime for Manure, the Sum of One Penny Halfpenny:

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

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

Which ſaid Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever ſhall be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or acroſs the ſaid Road and Branch 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 and 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 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 in Manner herein-after directed.

Tolls may be diſtrained for.

XXII. 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, either at the Gate, Bar, or Chain, where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he,

he, ſhe, or they ſhall think neceſſary, to ſeize or diſtrain any Horſe or Horſes, Cattle, Carriage, or other Thing upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins, (except the Bridle or Reins apart from the Horſe or Horſes) Saddles, Gears, or Accoutrements, or their Loading, or a ſufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing; and if ſuch Toll, or any Part thereof, ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, Thing or Things ſo 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 Toll and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted; to be aſcertained, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace of the Riding, Liberty, or Place where ſuch Diſpute ſhall happen.

Tolls to be paid but Once a Day.

XXIII. Provided always, and be it further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons 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 ſaid Notes or Tickets the Collectors are hereby required to give *gratis*, ſhall be allowed to repaſs Once 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; and that no Perſon ſhall be liable to the Payment of any Toll or increaſed Charge by reaſon of his paſſing through any Side Gate or Side Bars or Chains, to be continued or erected and ſet up by virtue of this Act, upon or acroſs any Lane or Road leading into or out of the ſaid Road and Branch, through any other of the Turnpikes to be continued or erected by virtue of this Act acroſs ſuch Road, beyond what he would be liable to pay if he had paſſed through any of the ſaid Gates only, any Thing herein contained to the contrary notwithſtanding.

Tickets to be printed.

XXIV. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, 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 all ſuch 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.

Penalty on avoiding Tolls.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over any Gate, private Paſſage, Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Road or Branch (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her,

or their Family or Servants); or if any Perſon or Perſons owning or occupying any Tenements, Lands, or Grounds near to the ſaid Road or Branch, or any Part thereof (the ſame not being a public Highway), ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons (except as aforeſaid) to go or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over ſuch Gate, private Paſſage, Lands, and Grounds, in order to or with Intent thereby to evade the Payment of the ſaid Tolls or any Part thereof; or if any Perſon or Perſons ſhall take off, or ſuffer to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or, having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Road or Branch, or ſhall leave upon or near any Part of the ſaid Road or Branch any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt, without Payment of the Toll, or if any Perſon ſhall do any other Act in order or with Intent to avoid or evade the Payment of the ſaid Tolls or any Part thereof, all and every ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds (over and beſides ſuch Damage and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law), to be recovered in ſuch Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXVI. And be it further enacted, That in caſe any Diſpute ſhall happen reſpecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Diſtreſs, ſuch Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County, Riding, or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes, (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter) and ſhall determine the Amount of the Tolls due, and other Matters in Diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other, as to ſuch Juſtice ſhall ſeem right and proper; all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained.

Collectors of Tolls competent Witneſſes.

XXVII. 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.

Penalty on Collector compounding for Overweight.

XXVIII. And be it further enacted, That when any Weighing Machine shall be erected on any Part of the said Road and Branch, in order the better to prevent Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any such Weighing Machine or Machines, which may or shall at any Time hereafter be so erected on the said Road and Branch, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Machine or Machines to pass through the Toll Gate or Toll Gates erected or to be erected on the said Road and Branch, without weighing the same, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Road and Branch, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collector suffering Carriages to pass without weighing.

XXIX. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road and Branch, or either of them, or any Collector or Collectors or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in gross, or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight, in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at such Weighing Machine or Machines, each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Five Pounds.

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

XXX. Provided always, and be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon,

Wain,

Wain, Cart, or other Carriage for drawing the ſame; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

General Exemptions from Tolls.

XXXI. And be it further enacted, That none of the Tolls hereby authorized to be taken, ſhall be demanded, taken, or received at any of the Toll Gates, Bars, or Chains to be erected upon the ſaid Road and Branch, or either of them, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe (provided that ſuch Perſon or Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption); nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip, whether of the Eſtabliſhed Church of *England* or otherwiſe, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Townſhip, Chapelry, Hamlet, or Place in which any Part of the ſaid Road and Branch lie; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *York*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Graſs, Saintfoin, Fodder, Straw, or Corn in the Straw, Turnips, or Potatoes, for the Uſe of the Owner and not for Sale, or purchaſed; or of carrying or conveying any Dung, Mould, Marle, Soil, Manure, or Compoſt, (other than Lime) to be uſed only for manuring of Land, or going or returning empty in that Employment; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying or going to carry or convey or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implements of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implements of Huſbandry be alſo laden with ſome

ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture, nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried not beyond the Diſtance of Four Miles; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Gravel, Stones, Sand, or other Materials for the making or repairing the ſaid Road and Branch hereby directed to be repaired, or any other Highway or Public Road within any ſuch Pariſh, Townſhip, Chapelry, Hamlet, or Place as aforeſaid, or for rebuilding, building, or repairing any preſent or any future Bridge or Bridges on the ſaid Road and Branch; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

XXXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting to be holden for that Purpoſe, whereof at leaſt Fourteen Days Notice ſhall be given in Writing to be affixed on all the Toll Gates erected or to be erected on the ſaid Road and Branch, and publiſhed in ſome Public Newſpaper, circulating in the Neighbourhood thereof, from Time to Time as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance all or any of the Tolls hereby granted, and to order the ſame to be taken in ſuch Manner, Parts and Proportions as they ſhall think fit, ſo that the reſpective Tolls ſo to be raiſed or advanced do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction be with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and ſuch Tolls ſo reduced or advanced, and every of them, ſhall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be leſſened, &c.

XXXIII. 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, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons, for any Carriage or Carriages, Horſes, Beaſts, or Cattle, travelling on the ſaid Road or Branch, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Carriage or Carriages, Horſes, Beaſts, or Cattle; and ſuch Compoſition Money ſhall be paid in Advance quarterly; and in default of ſuch Payment the Compoſition or Agreement with ſuch Perſon ſo making Default ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in the ſame Manner as the Tolls are directed to be applied by this Act.

Tolls may be compounded for.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them (at any Meeting whereof Fourteen Days Notice ſhall have been given in Writing, and affixed upon all the Toll Gates then erected on the ſaid Road and Branch, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads), from Time to Time to demiſe or let to farm, or agree to demiſe or let to farm all or any of the Tolls ariſing by virtue of this Act, and all or any of the

Tolls may be leaſed.

Toll Houſes, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon Public Bidding to the higheſt Bidder, and for the beſt Price or Rent ſuch Truſtees can get for the ſame, payable Monthly in Advance, or at ſuch other Time or Times as the ſaid Truſtees ſhall think proper, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees or any Five or more of them ſhall think fit, without being compelled to put up the ſaid Tolls at the Sum at which they were laſt let, or to have any other Meeting for the letting thereof, if the ſaid Truſtees at any ſuch Meeting for letting the ſaid Tolls ſhall be of opinion that there are a ſufficient Number of Bidders likely to create a real *bonâ fide* and an advantageous Competition for the ſame; and at ſuch Letting the Truſtees preſent ſhall have and be entitled to One Bidding for the ſaid Tolls, either by themſelves, or their Clerk or Treaſurer, or other Perſon by them authorized; and the Rent or Money ariſing by ſuch letting ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithſtanding.

Leſſees or Perſons appointed by them may collect Tolls.

XXXV. 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 authorize or appoint, to occupy and enjoy the Toll Houſe or Toll Houſes at which the ſaid Tolls ſo let are to be collected and to ariſe, with all the Appurtenances and Conveniences to the ſame Toll Houſe or Toll Houſes belonging, for the Purpoſe of collecting ſuch Tolls, and during ſo long Time only as ſuch Leſſee or Leſſees, Farmer or Farmers ſhall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, and Agreements, and Conditions, of ſuch Leaſe, Demiſe, or letting, but not further or otherwiſe; and that ſuch Leſſee or Leſſees, Farmer or Farmers, and the Perſon or Perſons ſo to be by him, her, or them appointed (ſuch Rents and Covenants being duly paid and performed), ſhall and may demand and take the ſaid Tolls ſo leaſed, demiſed, farmed, or let, 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.

Penalty on Collector, &c. taking greater or leſs Toll than allowed.

XXXVI. And be it further enacted, That if any Leſſee, Farmer, Renter or Collector of the ſaid Tolls, ſhall demand and take or cauſe to be demanded and taken from any Perſon or Perſons any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized and directed by the ſaid Truſtees to be taken under the Authority of this Act, ſuch Leſſee, Farmer or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees or any Five or more of them ſhall think fit to vacate the ſame; and every ſuch Collector,

lector, not being the Leſſee, Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard, ſhall be of opinion that the Offender had probable Grounds for ſuch Demand or taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit.

For preventing Toll Collectors from miſbehaving, &c.

XXXVII. 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 refuſe to permit or ſuffer, or ſhall in anyways 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.

Penalty on obſtructing Collectors.

XXXVIII. Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder, or moleſt any Collector who ſhall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

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

XXXIX. 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 for the Space of Fourteen Days next after any of the

Days on which the ſame ought to be paid, purſuant to the Leaſe, Agreement or Contract for demiſing or letting thereof, then and in either of thoſe Caſes it ſhall and may be lawful for any Juſtice of the Peace for the ſaid Riding, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereout reſpectively, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid Truſtees, or other Perſons acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſee's Part) as if ſuch Demiſe or Agreement had never been made; and 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.

Arrears and Property belonging to former Truſtees, veſted in the Truſtees named in this Act.

XL. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Perſonal, and all Choſes in and Rights of Action, either at Law or in Equity, veſted in the Truſtees under the ſaid recited Acts of the Twenty-ſixth Year of the Reign of King *George* the Second, and the Seventeenth and Thirty-fifth Years of the Reign of His preſent Majeſty, ſo far as the ſame relate to the Road hereby directed to be repaired, ſhall immediately on the Commencement of this Act be veſted in the Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are hereby enabled to recover the ſame, and for that Purpoſe to cauſe to be commenced and proſecuted all Actions and Suits at Law or in Equity, in the Name of their Clerk for the Time being, and to act in reſpect thereof as effectually as if the ſame had become due to or had been veſted in them under and by virtue of this Act, or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the Truſtees under the ſaid recited Acts as aforeſaid, by virtue of any Deed or Specialty, ſhall or may be ſued for and recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed or Specialty ſhall have been ſo made or entered into, at the Option or Election of the Truſtees named or to be appointed by virtue of this Act; and that all the Coſts to be incurred by the Truſtees or Perſons in whoſe Names ſuch Proceeding ſhall be had, ſhall be paid and defrayed by and out of the Monies to be raiſed by virtue of this Act, and the Monies when recovered ſhall be paid over to the Treaſurer of the ſaid Truſtees, to be applied for the Purpoſes of this Act.

Power to borrow Money.

XLI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of this Act, may, and they are hereby authorized and empowered, from Time

Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted, ſuch Sum or Sums of Money, as they or any Five or more of them ſhall think neceſſary; and they are hereby alſo authorized and empowered, either at every ſuch Meeting, or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls) for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgage ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay),

Form of Mortgage.

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

Copies of Mortgages to be entered in a Book.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by ſigning, before One credible Witneſs, an Inſtrument, whether indorſed or not indorſed upon ſuch Mortgage or Aſſignment, in the following Words, or in Words to the like Effect; (that is to ſay),

Form of Transfer.

'I *A. B.* do transfer this Mortgage or Security [*or* a certain Mortgage or Security, *ſhortly ſtating it, as the Caſe may be*] with all my Right and Title to the Principal Money thereby ſecured, and all the Intereſt now due thereon, unto *C. D.* his [*or* her *or* their] Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

Witneſs *E. F.* *A. B.*'

Transfer to be entered with the Clerk.

Which 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 before mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees,

ſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign 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 or Perſons to whom the ſame ſhall be laſt transferred) to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

Application of the Tolls and Money to be borrowed.

XLII. And be it further enacted, That out of the Monies already received by virtue of the ſaid recited Acts, or any of them, and now in the Treaſurer's Hands, or out of the Firſt Money which ſhall ariſe or be received from the Tolls, Mortgages, or otherwiſe by this Act granted, the ſaid Truſtees, or any Five or more of them, ſhall in the Firſt Place pay and diſcharge all the Coſts and Expences relative to the obtaining and paſſing of this Act, with Intereſt for the ſame; and the Remainder of all ſuch Monies ſhall from Time to Time be applied in keeping down the Intereſt of the Principal Monies by the ſaid recited Acts, or any of them, charged, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the ſaid Road and Branch, and in otherwiſe putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed by the ſaid Acts and of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Power to enter upon Lands to ſtake out and make the Branch of Road, &c.

XLIII. And be it further enacted, That it ſhall and may be lawful for the Majority of the Truſtees preſent at any Meeting, or any Five or more Truſtees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to make and open or cauſe to be made and opened the ſaid Branch of Road for the Accommodation of Paſſengers through any Private Lands, Grounds, or Hereditaments, under ſuch Terms and Satisfaction, as are herein-after mentioned; and alſo through any Commons or Waſte Grounds, and by, over, and along any ancient Highway or Road; without making Satisfaction for ſuch Commons or Waſte Grounds, Highway or Road; and alſo that it ſhall be lawful for the ſaid Truſtees, or ſuch Majority as aforeſaid, and for their Surveyor or Surveyors and Workmen, with and without Carriages and Cattle, from Time to Time to enter upon any Private Lands, Grounds or Hereditaments through which or whereupon the ſaid Branch of Road hereby authorized to be made or altered is intended to paſs, and to ſtake out and make the ſame in ſuch Manner as the ſaid Truſtees, or ſuch Majority as aforeſaid, ſhall think neceſſary and proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty or Puniſhment for entering or continuing upon any Part or Parts of ſuch laſt-mentioned Lands, Grounds and Hereditaments reſpectively, for any of the Purpoſes of this Act, firſt making and tendering Satisfaction to the Owners thereof and Perſons intereſted therein for the Damage they may thereby ſuſtain; and it ſhall and may alſo be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Time hereafter, to widen, enlarge, form and complete the ſaid Road and Branch, or any of them, or any Part thereof, through or over any Common or Waſte, or open and unincloſed Grounds to the Extent of Sixty Feet, without making any Satisfaction for the Land or Ground to be uſed for that Purpoſe, and alſo in, upon, through or over any Private Lands, Grounds or Premiſes, firſt having the Conſent

in

in Writing of the Owners thereof and Persons interested therein, or which shall be previously purchased by the said Trustees for that Purpose.

Restraining the Trustees from deviating from the Plan deposited with the Clerk of the Peace further than One hundred Yards.

XLIV. And whereas a Map or Plan describing the Line of the said intended Branch of Road, and the Lands through which the same is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the 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 to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two 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 Branch of 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 Grounds such Deviation shall be made.

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

XLV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Branch of Road into, through, across, and over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said 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 West 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.

XLVI. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the pulling down any Dwelling Houses or other Buildings, or to the taking in 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 first had and obtained, except such as are marked and described in the said Map or Plan and Book of Reference.

Trustees may contract for the Purchase of Land.

XLVII. 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 contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, improving, varying, or altering the said Road and Branch, or any of them, or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands,

Huſbands, Guardians, Feoffees, Truſtees, or Committees, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infants, Wards, Ceſtuique Truſts, Lunatics, Idiots, Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, or entitled to Dower, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto them, or any Five or more of them, any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat,

XLVIII. And be it further enacted, That if ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, Tenants in Tail or for Life, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be taken in and added to the ſaid Road or Branch, and through which any Part of ſuch Road and Branch is or are to be made, varied, diverted, turned, or altered, ſhall for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or, by reaſon of Abſence, ſhall be prevented from treating,

Damages to be ſettled by a Jury.

then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage or Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *York*; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occaſion ſhall be or require, to ſummon and call before ſuch Jury, and examine upon Oath, any Perſon or Perſons whomſoever (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View, or otherwiſe, uſe all lawful Ways and Means, as well for their own Information as for the Information of the ſaid Jury in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, which ſaid Verdict or Inquiſition and Judgment, Order or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe,

their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *York*, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time or Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, to make up the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear without ſhewing any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn, ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons, who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo that no ſuch Fine be more than Twenty Pounds upon any ſuch Sheriff, Deputy, Bailiff or Agent, nor more than Ten Pounds on any other Perſon for One Offence.

Truſtees to iſſue their Warrant to the Sheriff to ſummon the Jury.

XLIX. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage, as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury

How Expences of the Jury ſhall be paid.

ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs or Damage, as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid Riding, not intereſted in the Matter in Queſtion, who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money 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 upon Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon ſhall by reaſon of Abſeuce have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, out of the Money to be raiſed or received under or by virtue of this Act.

Money agreed upon or aſſeſſed, how to be paid or tendered.

L. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction to be agreed for or aſcertained, or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence or Satisfaction, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen or Agents, to make, extend, widen, divert or turn ſuch Road and Branch, through or over ſuch Lands or Hereditaments, and to do all and every ſuch Acts, Matters, and Things, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act ſhall to all Intents and Purpoſes be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading

Old Road to be ſold.

over

over ſome Heath, Common, Moor or Waſte Ground, or to ſome Village, Town, Hamlet or Place to which the new Road does not lead, ſhall be veſted in, and ſhall and may be ſold either by Public Sale or Private Contract, and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can or may be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the making or repairing of the ſaid Road and Branch by this Act directed to be made, maintained, amended, and repaired, but the Purchaſer or Purchaſers of ſuch reſpective Premiſes ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money; and all Conveyances of ſuch Roads as ſhall be adjoining to Lands of Freehold Tenure, being executed by the ſaid Truſtees, or any Five or more of them, and enrolled with the Clerk of the Peace for the ſaid Weſt Riding, ſhall be good and effectual in the Law to all Intents and Purpoſes; and all ſuch Roads and Premiſes as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid Truſtees, or any Five or more of them, by Surrender or other Conveyance, ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

Truſtees empowered to ſell overplus Ground, &c.

LI. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road and Branch, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what are or ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid 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 Pieces of old Road) to the Perſon or Perſons whoſe Land 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 One 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 a Jury, in Manner in this Act directed with reſpect to diſputed Value of Premiſes, to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Ex-

pence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money, and the Conveyances of such Piece or Pieces of Ground, shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

Application of Compensation if amounting to 200l.

LII. 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, 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, 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

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.

Where leſs than 200l. and above 20l.

LIII. 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.

Where under 20l.

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

In caſe of not making out a good Title, the Purchaſe Money to be paid into the Bank in certain Caſes.

LV. 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, 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

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 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.

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

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

LVII. 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, 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,

reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, 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.

Power to get Materials.

LVIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, take, and carry away any Materials for making or repairing the ſaid Road and Branch, and Footways and Paths on the Sides thereof, or building, rebuilding, or repairing any Toll Houſe or Toll Houſes, Fence, Wall or Walls, on or by the Sides thereof reſpectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any Common, River, or Brook, or out of or from any Waſte or Common in any Townſhip, Hamlet, Pariſh, or Place in which any Part of the ſaid Road and Branch lie, or in any adjoining Townſhip, Hamlet, Pariſh, or Place, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds for or with ſuch Materials, ſuch Damages to be aſcertained as herein-after mentioned; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, get, gather, take, and carry away any ſuch Materials, in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two or more Juſtices of the Peace for the Riding or Diviſion wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages.

Notice to be given to the Occupiers of Lands before Materials are got.

LIX. Provided always, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Road and Branch, or any the Purpoſes aforeſaid, out of or from any incloſed Land, until Notice in Writing, ſigned by the ſaid Surveyor, ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at the uſual Place of Abode of ſuch Owner or Occupier, to appear before any Two Juſtices of the Peace acting for the ſaid Riding, to ſhew cauſe why ſuch Materials ſhall not be had and taken therefrom; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant

to

to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall (and they are hereby authorized and empowered, if they think proper) authorize ſuch Surveyor or other Perſon to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his or her Agent, had attended; and the Order of ſuch Juſtices ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

LX. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall be dug, gotten, or gathered for the Repair or Uſe of the ſaid Road and Branch, and any of the Purpoſes aforeſaid, or ſhall raiſe or carry away any Materials out of, or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for making and repairing the ſaid Road and Branch, or any of the Purpoſes aforeſaid, before the ſaid Surveyor and Surveyors, or his or their Workmen, ſhall have diſcontinued working therein, for the Space of Three Calendar Months, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

For removing Annoyances and Nuiſances.

LXI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Road and Branch, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or other Matter or Thing, and to turn any Watercouſes, Gutters, Sinks, Conduits, or Drains running into, along, or out of the ſaid Roads to the Prejudice thereof, and to open, ſcour, or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Road and Branch, or any Part or Parts thereof reſpectively, and to make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary; and alſo to prune, cut down, lop or top, at proper Seaſons of the Year, any Branches, Shrubs, or Buſhes growing on the ſaid Roads, or in the Hedges or Fences adjoining the ſaid Roads, ſo as the ſame be not planted for Ornament or Shelter to any Houſe or other Building, or in any Garden, Orchard, planted Walk, Avenue to a Houſe, or Nurſery for Trees, and to take and carry away the Prunings or Loppings thereof, or in ſuch other Manner that the ſaid Roads ſhall not be prejudiced thereby, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof to be ſettled by the ſaid Truſtees, or any Two of them, or by any Juſtice of the Peace of the Riding, Liberty, or Diſtrict where the ſame ſhall occur, by Writing under their or his Hands or Hand, ſhall from Time to Time be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain,

or

or Watercourſe, or to prune, cut down, lop or top ſuch Trees, Branches, Shrubs, or Buſhes, or to cut or reduce ſuch Hedges, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid, which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures and Fines by this Act inflicted or authorized to be impoſed are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch ſecond or ſubſequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for erecting Encroachments on the Side of Road.

LXII. And be it further enacted, That if any Perſon ſhall from and after the paſſing of this Act, encroach by making or cauſing to be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Twenty Feet from the Middle or Centre of ſuch Road and Branch (except Turnpike Houſes erected by Order of the ſaid Truſtees), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by Order under their Hands, made at a public Meeting, or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace in and for the ſaid Riding, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Dwelling Houſes, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner or Owners on Demand.

Power to make Cauſeways and Drains.

LXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make and keep in Repair, or cauſe to be made and kept in Repair, any Cauſeway or Cauſeways, for the Uſe of Foot Paſſengers, along any Part of the ſaid Road and Branch, in ſuch Manner as they ſhall think proper, and alſo Ditches or Drains in and upon the ſaid Road and Branch, and alſo through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the ſaid Road and Branch, or acroſs any of the Ditches, Watercourſes, or Drains where neceſſary; and alſo to make or cauſe to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Road and Branch (ſuch Grounds reſpectively not being the Site or Ground whereon any Houſe or Houſes ſtand, nor being a Yard, Garden, Orchard, Park, Paddock, 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 by all Paſſengers, Cattle, and Carriages as a public Highway, whilſt ſuch ruinous or narrow Part of the ſaid Road or Branch be repairing or widening, and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompenſe to the Owners and Occupiers of ſuch private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged

judged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the next General Quarter Seſſions of the Peace for the ſaid County, or at their Second Quarter Seſſions of the Peace at the fartheſt, on Fourteen Days Notice in Writing being given by either Party to the other, to ſettle, adjudge, and finally determine what Recompenſe ſhall be made to ſuch Owners and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid, which Determination ſhall be final and concluſive to all Parties.

Roads to be meaſured and Mile Stones ſet up.

LXIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road and Branch to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every Stone or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

Perſons liable to repair to continue ſo.

LXV. And be it further enacted, That all and every Perſon or Perſons, Counties, Pariſhes, Townſhips, Hamlets, Villages and Places, and the Inhabitants thereof reſpectively, and Bodies Politic and Corporate, who before the making of the ſaid recited Acts or this Act have or hath uſed, or of right ought to repair any Part or Parts of the ſaid Road or Branch, or any Bridge, Drain or Watercourſe, in or upon the ſame, ſhall notwithſtanding this Act be ſubject and liable to ſuch Repairs in the ſame Manner as they and every of them have or hath heretofore uſually been or would have been in caſe this Act had not been paſſed.

Statute Work regulated.

LXVI. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace acting within the Weſt 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 any Five or more of them, or by their Clerk, or Surveyor, by their Order) from Time to Time to adjudge, apportion, and determine what Part or Proportion and how much of the Statute Work or Duty ſhall every Year be done and performed upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid Roads do lie; and alſo what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, in lieu of or as a Compoſition for ſuch Statute Work or Duty, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, to bring in Liſts unto and before ſuch Juſtices, at ſome Place and Time to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons), containing the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place are by Law ſubject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work or Duty diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts,

Draughts, or otherwiſe, and ſpecifying 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 limited, directed, and appointed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall or may allot, appoint, order and direct ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work or Duty as aforeſaid, to do and perform ſuch Number of Days Statute Work or Duty in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable and proper; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Seed-time, Hay-time or Harveſt), and on ſuch Part or Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order, apportion, direct and appoint 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 or Duty as aforeſaid, to pay ſuch Proportion thereof as the Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Truſtees 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 and perform 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, Horſe or Beaſt 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 the Perſon ſo coming to work or ſending ſuch Labourer as aforeſaid, ſhall be ſubject and liable to the reſpective Forfeitures and Penalties aforeſaid, as if he had neglected or refuſed to come, or ſend a Labourer, or furniſh ſuch Team or Draught, Horſe or Beaſt to work on any Part of the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions or Places in which the ſaid Roads lie, 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; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads.

Statute Work may be compounded for.

LXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees and they are hereby authorized and empowered to compound or agree by the Year, or otherwiſe, with any of the Inhabitants

or Occupiers of Lands, Tenements or Hereditaments, of or in any of the Pariſhes, Townſhips or Places in which the ſaid Road and Branch ſhall lie and be ſituate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any ſuch Pariſhes, Townſhips, or Places, for the Whole or any Part of the Statute Work liable to be performed within the ſame reſpectively, all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in Repair of the ſaid Road and Branch.

For enforcing the Payment of the Compoſition Money.

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

Surveyors, etc. may recover the ſame.

LXIX. And be it further enacted, That the reſpective Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor, who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery, by the ſeveral Ways and Means, and in ſuch Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for making and repairing the Roads, etc.

LXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for making, altering, diverting, widening, or repairing the ſaid Road and Branch, or any Part thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Works to be 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 or Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her or

or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for making or repairing the said Road and Branch, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty on defacing Mile Stones, &c.

LXXI. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Road or Branch, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways to be made upon the said Road or Branch for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, or shall draw, carry or wheel any Hurry, Truck or Wheelbarrow upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast Walls, Posts, Rails or Paling set up along the Side of or upon any such Footway; or if any Person or Persons shall hale or draw or caused to be hauled 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 such Pigs or Swine to root up and damage the said Roads, or the Fences, Banks or Copse on either Side thereof; or if any Person driving any Carriage, Waggon, Wain or Cart, upon the said Roads, and meeting another Carriage, Waggon, Wain, or Cart, shall not keep his or her Carriage, Waggon, Wain, or Cart, upon his or her left or nearest 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, Waggon, Wain, or Cart, under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, 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 playing at Foot-ball, or any other Game or Games, upon the said Roads or any Part thereof; or if any Person shall leave any Carriage, Waggon, Wain, or Cart, (except in Case of Accident), upon any Part of the said Roads, or on the Side or Sides thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of such loading or unloading thereof, as near to the Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon; or if any

Perſon or Perſons ſhall ſcrape off any Mud, Soil or other Matter or Thing, which ſhall be or lie upon the ſaid Roads, or any Part thereof, and ſhall not within the Space of Fourteen Days, take and carry the ſame away, or cauſe the ſame to be taken or carried away; or if the Surveyor or Surveyors of the ſaid Roads, or any Undertaker or Undertakers for the Repairs of the ſaid Roads, or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Roads, or the Sides thereof, or upon any Part of the ſaid Roads, any Heaps of Stones or other Materials for repairing the ſaid Roads, or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary; every Perſon offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For puniſhing Perſons obſtructing Surveyors.

LXXII. Provided always, 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 Surveyors, or other Perſon or Perſons by him or them, or by the ſaid Truſtees employed in getting or carrying away Materials, or in amending, widening, turning, altering or repairing the ſaid Roads, or topping, lopping, or cutting or pruning any Trees or Hedges, lop or top, or overhanging, or in cleanſing or ſcouring Ditches, Drains, or Watercourſes, or in executing any other of the Powers hereby given, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) with the Coſts and Charges attending the Conviction ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majeſty's Juſtices of the Peace for the ſaid Riding, rendering the Overplus of ſuch Diſtreſs (if any there be) to the Party or Parties, after deducting the Charges of making the ſame, which Warrant ſuch Juſtice is hereby empowered and required to grant, upon Conviction of the Offender by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes; and ſuch Penalties and Forfeitures when ſo levied ſhall be paid the One Half to the Informer, and the other Half to the Surveyor of the ſaid Road, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be the Informer, then the Whole ſhall be applied towards the Repair of the ſaid Road; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice and he is hereby authorized and required by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid Riding, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment ſhall be ſooner paid.

For ſecuring unknown Perſons guilty of Offences.

LXXIV. And be it further enacted, That it ſhall and may be lawful for any of 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 Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or

Offences

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.

Form of Conviction.

LXXV. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtices and Juſtice 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 (as the Caſe ſhall happen), or in any other Form of Words to the ſame Effect;

West Riding of the County of York to wit. } 'BE it remembered, That on the Day of in the Year of His Majeſty's Reign, and in the Year of our Lord *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the ſaid Riding, by virtue of an Act of the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act, and ſpecify the Offence when and where committed.*] Given under our Hands and Seals [*or*, my Hand and Seal] the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form.

LXXVI. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide or vacated for Want of Form only, nor ſhall be removed or removeable by *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*; and 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 of Diſtreſs or any other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage ſuſtained thereby, in an Action upon the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXVII. 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 Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General Quarter Seſſions to be holden for the ſaid Riding, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſion, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe ſhall and may by Order of ſuch Seſſion mitigate at their Diſcretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or

Parties

Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and the ſaid Juſtices are hereby authorized and required to levy, by their Order or Warrant, 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 to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid Riding, for any Time not exceeding Six Calendar Months, or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall and is and are hereby required to give Notice in Writing to the Clerk of the Truſtees of the ſaid Road of ſuch his or their Intention of bringing and proſecuting an Appeal, Fourteen Days before the ſaid Quarter Seſſion and ſhall before ſuch Notice given enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace for the ſaid Riding, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Notice of appealing to be given.

Limitation of Actions.

LXXVIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or pretended to be done in purſuance of this Act, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof ſhall be 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 ſame ſhall be committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead 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 it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgment ſhall have been 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 Caſe by Law.

Public Act.

LXXIX. 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 Term of this Act.

LXXX. And be it further enacted, That this Act ſhall commence upon the paſſing thereof, and ſhall continue and be in force for 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.