ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 5.

An Act for making and maintaining a Road from *Rotherham* to *Swinton*, in the West Riding of the County of *York*. [13th *March* 1809.]

WHEREAS the making, maintaining, and keeping in Repair a Carriage Road, from the North End of the Town of *Rotherham*, through *Rawmarsh*, to the South End of a certain Lane, called *Pottery Lane*, in the Township of *Swinton*, in the West Riding of the County of *York*, would be of general publick Utility, by opening a nearer and more convenient Communication between the Towns of *Rotherham*, *Rawmarsh*, and *Swinton*, and would be a great Advantage and Convenience to the Owners of Estates and Inhabitants in the Parishes of *Rotherham* and *Rawmarsh* aforesaid, and *Wath-upon-Dearne*, in the said West Riding; but as the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Charles William* Viscount *Milton*, Sir *Francis Lindley Wood* Baronet, the Honourable *Frederick Lumley*, *Thomas Athorpe*, *Christopher Alderson* Clerk, *Jonathan Alderson* Clerk, *William Alderson* Clerk, *William Parkin Bosville*, *Charles Bowns*, *John Bower* Doctor of Physick, *Thomas Bayliffe* Clerk, *Richard Burton* Clerk, *Thomas Booth*, *William Blakey*, *Matthew Blacksmith*, *William Blacksmith*, *Peter Barker*, *Jacob Boomer*, *Benjamin Boomer*, *John Boomer*, *John Brameld*, *William Brameld*, *Thomas Brameld*, *James Brownell*, *Edward Barnsley*, *Thomas Bingley*, *William Bingley*, *Thomas Briggs*, *John Crowder*, *John Crowder* the younger, *William Crowder*, *Edward Chorley* Doctor of Physick, *John* Trustees.

Cooke, William Cooke, John Coupland, Joseph Clark, Samuel Clark, Samuel Clarke, Robert Clarke, James Clarke, John Crawshaw, Thomas Carr, John Dymond Doctor of Physick, *James Dixon* Clerk, *Joseph Dakin, Vincent Henry Eyre, John Fountayne Elwin, Charles Wolff Eyre* Clerk, *Francis Ferrand Foljambe, Francis Ferrand Foljambe* junior, *George Foljambe, Henry Foljambe, Anthony Firth, John Firth, William Fenton, Thomas Fenton, John Foster* Clerk, *John Foster, John Foster* junior, *John Fisher, William Green, John Green, Richard Holden, Thomas Harrison, Joseph Harrison, Philip Hawley, George Hall, William Hall, George Harvey, Philip Hunt, John Jackson, Joseph Johnson, William Jubb, John Seaton Kent, William Wilson Kent, William Kay* Doctor of Physick, *John Lowe* Clerk, *Richard Lacy* Clerk, *George Lempriere, James Archibald Stuart Wortley Mackenzie, Marmaduke Middleton Middleton, John Marriott, Robert Marsh, Charles Newton, Samuel Oliver, John Oxley, John Oxley* junior, *Joseph Oxley, Hugh Parker, John Payne, John Payne* the younger, *Henry Payne, William Squires Payne, Thomas Parker, William Pullin, Cornelius Heathcote Rodes, Peter Acklom Reeston* Clerk, *Thomas Raddish* Clerk, *John Roodhouse, Thomas Roberts, Joseph Roberts, Isaac Roberts, Valentine Radley, William Radley, William Rodgers, Charles Augustus Stuart* Clerk, *Samuel Shore, John Shore, William Shore, Richard Stanley, William Stanley, John Sorby, John Shepherd, Thomas Staniforth, William Smith, Vincent Smith, John Kindersley Tudor, Thomas Trebeck* Clerk, *Joseph Turner, Joseph Hatfield Turner, William Turner, John Turner, Henry Thornhill, Robert Taylor, George Taylor, Josias Verelst, Charles Verelst* Clerk, *Joshua Walker, Thomas Walker, Samuel Walker, Jonathan Walker, Henry Walker, Joshua Walker* the younger, *Richard Fountayne Wilson, Benjamin Wainwright* Doctor of Physick, *Thomas Oliver's Warwick* Doctor of Physick, *Henry Watkins* Clerk, *John Wainwright* the younger, *Thomas Wright, George Whitaker* Clerk, *John Woodcock, George Woodcock,* and *Joseph Wheatley,* shall be and they are hereby appointed Trustees for making, maintaining, and keeping in Repair such intended Turnpike Road.

Power to appoint new Trustee.

II. And be it further enacted, That as often as any of the Trustees hereby appointed, and to be elected and appointed as herein-after mentioned, shall die or refuse to act in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees, or any Five or more of them, from Time to Time, at any Meeting to be holden in pursuance of this Act, by any Writing under their respective Hands, to elect and appoint some fit Person to be a Trustee in the Room of every Trustee so dying or refusing to act, Ten Days previous Notice in Writing of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer of the said Road for the Time being, by affixing such Notice upon all the Turnpikes then erected across the said Road; and every Person who shall be so elected and appointed a Trustee shall and may act with the surviving and continuing Trustees in the Execution of this Act, in the same Manner as if he had been originally appointed a Trustee in and by this Act.

All Acts may be done by Trustees, unless otherwise directed.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in the Cases herein-after particularly mentioned, as requiring a greater or less Number of them.

IV. Provided

Qualification of Truſtees.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of One hundred Pounds; nor ſhall any ſuch Perſon be capable of acting in the Execution of this Act, ſave and except in adminiſtering the Oath following to the other Truſtees, until he (not being ſuch Heir Apparent as aforeſaid) ſhall have taken and ſubſcribed the Oath following before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; (that is to ſay),

'I do ſwear, That I truly and *bonâ fide* am in my own Right [*or*, in Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion or Enjoyment of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Amount or Value of Eight hundred Pounds.

'So help me GOD.'

And if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual as, if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

V. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees may act as Juſtices except where intereſted.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized and empowered to meet together at the *Star* Inn in *Rawmarſh* aforeſaid, on the Second *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet and adjourn to ſuch Place near to the ſaid Road as they the ſaid Truſtees, or any Five or more of them, ſhall think proper;

Time of Meeting. Truſtees to pay their own Expences.

per; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences.

Orders of one Meeting not to be revoked by another, except in certain Caſes.

VII. And it is hereby declared, That all Orders and Determinations made at any Meeting of the ſaid Truſtees, ſhall be made by a Majority of the Truſtees then preſent; and no Order or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, and Two-thirds of them ſhall decide in favour of ſuch Revocation or Alteration, and unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order ſhall give Notice thereof in Writing to the Clerk or Clerks, or to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed in Manner herein-before directed with reſpect to Notices for the Election of new Truſtees, at leaſt Ten Days previous to any Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That if after Adjournment of any Meeting of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any Adjournment, or if for Want of a proper Adjournment or otherwiſe it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice); and ſuch Meeting ſhall and may be held accordingly, and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Truſtees may erect Toll Houſes, &c.

IX. And be it further enacted, That the ſaid Truſtees ſhall and may from Time to Time cauſe to be erected and ſet up ſuch and ſo many Turnpikes or Toll Gates, in, upon, or acroſs, or on the Side or Sides of any Part or Parts of the ſaid Road, and acroſs any Lane or Way leading into, from, or out of the ſame, and alſo ſuch Toll Houſe or Houſes, Weighing Engine or Engines to each Gate or Turnpike, or otherwiſe as they ſhall think neceſſary, with ſuitable Outbuildings thereto, and alſo may incloſe from the ſaid Road convenient Garden Spots to the ſaid Toll Houſes, as they may judge proper, and may cauſe any ſuch Turnpikes, Toll Gates, Toll Houſes, Weighing Engines, or other Buildings from Time to Time to be taken down, removed, or altered, as they ſhall judge proper; which ſaid Turnpikes, Toll Houſes, Weighing Engines, and Buildings, and all Materials for making or repairing the ſame, are hereby veſted in the ſaid Truſtees, and that the following Sums of Money ſhall and may be demanded and taken as Tolls, before any Horſe, Cattle, Beaſt, or Carriage ſhall be permitted to paſs through any ſuch Turnpikes or Toll Gates reſpectively; (that is to ſay),

Tolls.

For every Coach, Landau, Berlin, Chariot, Curricle, Calaſh, Chaiſe, Chair, Hearſe, or Chaiſe Marine, drawn by Six Horſes, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of One Shilling:

For every Chaiſe or Chair drawn by One Horſe, the Sum of Sixpence:

For every Horſe, or other Beaſt of Draught, drawing any Waggon or other Carriage laden with a Block of Stone, or with Timber, or any Millſtone, the Sum of Four-pence:

For every Waggon, drawn by Eight Horſes, with Nine-inch Wheels, the Sum of One Shilling and Four-pence:

For every Waggon, drawn by Six Horſes, with Six-inch Wheels, the Sum of One Shilling:

For every Waggon, drawn by Four Horſes, with Three-inch Wheels, the Sum of One Shilling:

For every Cart, drawn by Four Horſes, with Nine-inch Wheels, the Sum of Eight-pence:

For every Cart, drawn by Four Horſes, with Six-inch Wheels, the Sum of Eight-pence:

For every Cart, drawn by Three Horſes, with Three-inch Wheels, the Sum of Nine-pence:

For every Cart, drawn by One Horſe only, with Three-inch Wheels, the Sum of Four-pence Halfpenny:

For every other Cart, drawn by One Horſe only, the Sum of Two-pence:

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

For every Drove of Oxen, Beaſts, or Neat Cattle, by the Score, the Sum of Ten-pence:

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

Power to recover Tolls.

Which ſaid reſpective Sums ſhall be demanded and taken in the Name of and as a Toll by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Perſon or Perſons authorized to receive the ſame, neglect or refuſe to make Payment thereof, or of any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized, to ſeize and diſtrain any Horſe, Cattle, Beaſt, or Carriage upon which any Toll is by this Act impoſed, or the Loading, Harneſs, or Accoutrements of any ſuch Horſe, Cattle, Beaſt, or Carriage upon which any ſuch Tolls are by this Act impoſed, belonging to any Perſon or Perſons ſo neglecting or refuſing to pay the ſame as aforeſaid (except the Bridle or Reins of any ſuch Horſe, Cattle, or Beaſt, ſeparate from ſuch Horſe, Cattle, or Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and of keeping the ſame, ſhall not be paid within the Space of Four Days next after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale pay or retain ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls.

X. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid,

aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Amount of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the Weſt Riding of the County of *York*, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance upon the ſaid Juſtice for that Purpoſe; all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector before he or ſhe ſhall be obliged to return the Goods ſo diſtrained, or the ſaid Overplus, or any Part thereof reſpectively.

Collectors declared competent Witneſſes.

XI. 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 under the Authority of the ſaid Truſtees, ſhall not be deemed incompetent to give Evidence therein by Reaſon of his or their being appointed to collect ſuch Tolls.

Truſtees may reduce the Tolls, and raiſe them again to any Sum not exceeding the Rates before granted, provided no Reduction be made without the Conſent of Creditors.

XII. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which Meeting One Calendar Month's Notice ſhall be given in ſome Newſpaper or Newſpapers publiſhed and circulated in the ſaid Weſt Riding, and alſo affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, from Time to Time to leſſen or reduce all or any of the ſaid Tolls, and alſo any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in ſuch Manner as to them ſhall ſeem fit and convenient, for and during ſuch Time as they the ſaid Truſtees ſhall think proper; and afterwards, at any Meeting to be holden as aforeſaid from Time to Time, if they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with reſpect to Overweight: Provided nevertheleſs, that when the whole Money borrowed on the Credit of the ſaid Tolls ſhall not have been paid and diſcharged, ſuch Tolls ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due upon the Credit of the ſaid Tolls.

Tolls to be paid but Once a Day.

XIII. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay more than One Toll for paſſing and repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Horſes, Cattle, Beaſts, and Carriages, through any of the Toll Gates or Turnpikes to be erected by virtue of this Act (except as herein-after provided), but that all and every Perſon and Perſons having paid Toll Once, and producing a Ticket denoting the Payment of ſuch Toll (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of the Toll), ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll-free during the ſame Day, through all ſuch Toll Gates or Turnpikes: Provided always nevertheleſs, that Waggons, Wains, Carts, and other ſuch like Carriages (ſave and except as herein-after

after excepted), ſhall be liable to the Payment of One Toll in the Whole, and no more, for paſſing and repaſſing at any Time or Times in any One Day through all or any of the Toll Gates or Turnpikes to be erected between the North End of the Town of *Rotherham* aforeſaid, and that Part of the Town of *Rawmarſh* aforeſaid which adjoins upon the Road leading to the *Upper Haugh*, and alſo One other Toll in the Whole, and no more, for paſſing and repaſſing at any Time or Times in any One Day through all or any of the Toll Gates or Turnpikes to be erected between ſuch Part of the Town of *Rawmarſh* aforeſaid, and the South End of the ſaid Lane called *Pottery Lane*.

Exemptions from Toll.

XIV. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Lime, Timber, Trees, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Bridge thereon, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Road lies; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners; or for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Lime, Mould, Dung, Compoſt or Manure employed in Huſbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſe or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed or farried; or from any Perſon going to or returning from his or her Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to or returning from viſiting any Sick Perſon; or upon other his Parochial or Miniſterial Duty on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Cattle, Beaſt, or Carriage of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſe, Cattle, Beaſt, or Carriage attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſe, Cart, Cattle, Beaſt, or Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *York*, on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to

or

or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall 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 as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

To prevent evading the Tolls.

XV. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Land or Ground adjoining to or lying near any Toll Gate or Turnpike, to be by virtue of this Act erected, the ſame not being a publick Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage to paſs through the ſame, whereby the Payment of any of the ſaid reſpective Tolls, or any Part thereof ſhall be evaded; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the ſaid reſpective Tolls; or if any Perſon or Perſons ſhall, at any Time or Times take off, or cauſe to be taken off, any Horſe or other Cattle or Beaſt from any Carriage, whereby the Payment of any Part of the ſaid reſpective Tolls ſhall be evaded, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Road, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid reſpective Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds.

Power to compound for the Tolls.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time as they ſhall ſee convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with all or any of the Inhabitants of the ſeveral Pariſhes or Townſhips to or through which the ſaid Road leads, for the paſſing of their Horſes, Carriages, or Cattle through all or any of ſuch Toll Gates or Turnpikes as aforeſaid.

Power to leate the Tolls.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes then erected acroſs the ſaid Road, and to be inſerted in ſome Newſpaper or Newſpapers publiſhed in the ſaid Weſt Riding of the County of *York*, from Time to Time to let or farm the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the beſt Rent or Price that can reaſonably be gotten for the ſame, provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls and alſo by the ſaid Truſtees, payable at ſuch Time or Times and in ſuch Manner, and with, under, and ſubject to ſuch Covenants, Conditions, and Agreements as the ſaid Truſtees ſhall think fit.

Power to borrow Money.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think fit upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be borrowed, with the Interest thereof; which Assignment shall be in the Words or to the Effect following:

Form of Assignment.

'BY virtue of an Act of Parliament made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, An Act [*set forth the Title of this Act*] we of the Trustees acting in the Execution of the said Act, in consideration of the Sum of to the Treasurer of the said Road in Hand paid by do hereby grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls, to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with lawful Interest for the same, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said West Riding of the County of *York*, and also upon the Turnpikes or Toll Gates which shall be then standing upon the said Road, at least Twenty-one Days before the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid shall be good, valid, and effectual, to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security in the Presence of One credible Witness; which Transfer shall be in the Words, or to the Effect following:

Form of Transfer.

'I Do transfer the within Mortgage, and all the Principal and Interest now due thereon, unto Executors, Administrators, and Assigns. Witness my Hand and Seal this Day of

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such

Transfer ſhall entitle the reſpective Aſſignees or Perſons to whom the ſame ſhall be made, their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and every ſuch Aſſignee ſhall and may in like Manner aſſign and transfer again, and ſo *toties quoties*, and it ſhall not be in the Power of any Perſon making ſuch Aſſignment or Transfer afterwards to make void, releaſe, or diſcharge the ſame Security, or any Monies thereon due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Monies, or the Dates of ſuch Mortgages or Aſſignments.

Application of the Money.

XIX. And be it further enacted, That all the Monies which ſhall ariſe and be produced by the Subſcriptions as aforeſaid, and from the Tolls by this Act granted, together with the Monies which ſhall from Time to Time be borrowed in purſuance of this Act, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of the Coſts, Charges, and Expences of preparing and paſſing this Act, and of making the Survey and Eſtimate reſpecting the ſame; in the Second Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which ſhall from Time to Time be due and owing on the ſeveral Mortgages or Securities made in purſuance of this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and of making, forming, repairing, widening, and altering the ſaid Road, and purchaſing Land for thoſe Purpoſes, and of erecting and maintaining neceſſary and convenient Bridges upon the ſaid Road, and of executing the ſeveral other Powers and Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums for the Time being due on ſuch Mortgages or Securities as aforeſaid.

Appointing Officers.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint One or more Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them, to appoint others in their Stead (provided that no Perſon, being a menial Servant of any Truſtee, ſhall be capable of holding any Place of Profit or Truſt under this Act); and the ſaid Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to them, or to ſuch Perſon or Perſons as they ſhall appoint, true,

exact, and perfect Accounts in Writing, under their Hands upon Oath (which Oath any One or more of the said Trustees is and are hereby empowered to administer), of all Monies which they respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to give such Account, or to produce or deliver up such Vouchers as aforesaid, or to verify such Account upon Oath, or to pay the Money due upon such Account in Manner aforesaid, or 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 the Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, Riding, or Division where the Officer or Person so making Default shall be or reside, upon Complaint thereof made to them by any Two or more of the said Trustees, to make Enquiry concerning such Refusal, Default, or Neglect, as well by the Confession of the Parties themselves respectively, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said Justices, or either of them, are and is hereby required and empowered to administer without Fee or Reward;) and if such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall, upon such Conviction, commit him or her to the Common Gaol or House of Correction of the same County or Place, there to remain, without Bail or Mainprize, until he or she shall have given and made a true and perfect Account and Payment as aforesaid, or until he or she shall have compounded and agreed with the said Trustees (which Composition the said Trustees are hereby empowered to make), or until he or she shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees, provided that no Person shall be so committed, as last aforesaid, for a longer Space of Time than Six Calendar Months.

Trustees may appoint temporary Collectors in certain Cases.

XXI. And be it further enacted, That upon the Death, Incapacity, or Absence of any Collector of the Tolls, it shall be lawful for any Three or more of the said Trustees, though not assembled at a Meeting appointed in pursuance of this Act, by any Writing under their respective Hands, to nominate and appoint a proper Person to be a Collector of the said Tolls to continue until the then next Meeting of the said Trustees in the Place or Stead of such Collector as shall so die or become incapable or absent himself.

Trustees to take Security.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver and Receivers, Collector and Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in pursuance of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think proper.

Power to make, widen or alter the Road.

XXIII. 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 fully authorized and empowered to make and repair, and from Time to Time widen, divert, shorten, vary, and alter the Course or Path of any Part or Parts of

of the ſaid Road through or over any Waſte Grounds, Commons, or uncultivated Lands, without making any Satisfaction for the ſame, and alſo through or over any private Lands or Tenements, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damages they may thereby ſuſtain, and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any private Lands or Tenements for the Purchaſe thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by opening and making the ſaid intended new Road, or widening, turning, or altering any Part or Parts thereof, or of any other Road; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Tenements, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require; and all Contracts and Sales ſo made, ſhall, without any Conveyance or Aſſurance in the Law, be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof notwithſtanding; and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owners, Proprietors, Occupiers, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road, to him, her, or them given or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Tenements ſo to be taken in and poſſeſſed for the Purpoſe of carrying this Act into Execution, ſhall, by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men, of the Weſt Riding of the County of *York* (which Oaths any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages ſhall be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted, for or on Account of the taking and poſſeſſing for the Purpoſes aforeſaid of ſuch Lands or Tenements, and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and they ſhall

Power to Corporations, &c. to ſell.

ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit, and after the ſaid Jury ſhall have enquired of, aſcertained and ſettled ſuch Damages, Recompence and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Occupiers of or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Order, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lives or Years in Poſſeſſion, Reverſion, Remainder or otherwiſe, their Heirs, Succeſſors, Executors, and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas and under any Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *York*, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be anyways intereſted in the Matter in Queſtion, then to ſome one of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and the ſaid Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One or more of them, ſhall ſwear or cauſe to be ſworn Twelve who ſhall be the Jury for the Purpoſe aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff, his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service (being qualified as laſt aforeſaid), to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or on being ſworn refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, provided that any ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Perſon for any one Offence.

Their Verdict to be final.

Sheriff to ſummon Juries.

Trustees empowered to sell the Ground not wanted for the Purposes of this Act, and Persons of whom it was bought, or whose Lands adjoin, to have the Preference.

XXIV. 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 they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, 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 offer the same to the Person or Persons of whom the same shall have been purchased, or (in case of diverting any Part or Parts of the said Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on Account of the Price thereof as hereinafter mentioned), or shall refuse (except with respect to and 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 West Riding of the County of *York* (who are hereby respectively empowered to take the same), 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 not then and thereupon agreed to, or was refused, by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as 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 which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Expences of the Jury and Witnesses, how to be paid.

XXV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Tenements, 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 before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and

and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne or 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 Riding or Diviſion wherein the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties or Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

How the Purchaſe Money is to be applied.

XXVI. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Monies which ſhall ariſe and be produced by virtue of this Act to the Parties or Perſons reſpectively entitled thereto or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Treaſurer of the ſaid Road, for the Uſe of ſuch Parties or Perſons, and after Ten Days Notice thereof to ſuch Parties or their Agents, all Owners and Occupiers of and Perſons intereſted in ſuch Lands or Grounds ſhall thenceforth be diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame, and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Road by this Act authorized to be made or repaired, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be by them or by ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall thenceforth, to all Intents and Purpoſes whatſoever, become and for ever afterwards be a common Highway, and ſhall be deemed Part of the Road to be repaired by virtue of this Act, and ſhall be repaired accordingly; but this Act ſhall not extend to the taking down any Dwelling Houſe or other Building, or to take away or damage any Ground having been uſed as a Garden, Orchard, Yard, Walk or Avenue to a Houſe or Plantation or Nurſery of Trees, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling Houſe, or other Building, Garden, Orchard, Yard, Walk, Avenue, Plantation or Nurſery of Trees reſpectively,

tively, his, her, or their Agent or Agents, under their respective Hands for that Purpose first had and obtained.

For restraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan, &c.

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

Trustees may make Road through Grounds although the Names are not in the Book of Reference.

XXVIII. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted 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.

Surveyor may get Materials for the Road.

XXIX. And be it further enacted, That it shall be lawful for the Surveyor of the said Road, and such other Person or Persons as shall be employed by such Surveyor, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making, forming, and repairing the same Road and the Toll Houses and Bridges in or upon the same, out of and from any Waste Grounds, Commons, common Quarries, Rivers, or Brooks in any Parish or Township within or near whereto the same Road passes or shall pass, without paying any Thing for the same, such Surveyor or other Person or Persons filling up the Pits and levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot conveniently be had in such Waste Grounds, Commons, common Quarries, Rivers or Brooks as aforesaid, then to cut, dig, gather, take and carry away any such Materials as aforesaid, in, upon, out of or from and over any other Lands, Grounds, and Quarries (except as herein-after is mentioned), making such Compensation and Satisfaction for the Damage done to the Owners and Occupiers of such Lands, Grounds, and Quarries where, through and from whence the same shall be digged, gathered, taken, and carried away, or over which any Materials gotten in any Waste

Grounds, Commons, common Quarries, Rivers or Brooks ſhall be conveyed, as the ſaid Truſtees ſhall judge reaſonable.

Materials not to be taken from incloſed Grounds without an Order from Two Juſtices.

XXX. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, under the Authority of this Act, to dig, gather, take or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing ſigned by the ſaid Surveyor or ſome other Officer of the ſaid Truſtees ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before Two or more Juſtices of the Peace acting for the Weſt Riding of the County of *York*, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be taken away, and ſuch Juſtices, after hearing the Parties concerned, ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times and in ſuch Manner as to ſuch Juſtices ſhall ſeem proper, or if ſuch reſpective Owners or Occupiers ſhall not by themſelves or their reſpective Agents attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, in the ſame Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials got by the Surveyor.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been digged or gathered for the Purpoſe of making or amending the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers, who may get Materials therein for their own Uſe only and not for the Uſe of any other Highway or for Sale), every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

For preventing Obſtructions on the Sides of the Road.

XXXII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure or other Thing, ſhall be unladen and laid down upon any Common or Waſte Ground nearer to the Side of the ſaid Road than the Diſtance of Thirty Feet, upon pain that every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on damaging Footways, or cauſing Nuiſances or Obſtructions on the Road.

XXXIII. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining the ſaid Road, or ſhall lead or drive any Horſe, Cattle or Swine, or any Carriage on ſuch Footway, or ſhall cauſe any Damage to be done thereto, or ſhall put or turn any Horſe, Aſs, Swine, or other Beaſt or Cattle of any Kind into or upon the ſaid Road or the Sides thereof, or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage in or upon the ſaid Road or the Sides thereof, for any longer Time than ſhall be neceſſary for the Loading or Unloading thereof, or for taking up and ſetting down Paſſengers, or

ſhall leave the ſame either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto (except in caſe of Accidents), every Perſon ſo offending ſhall forfeit and pay, for the Firſt Offence, a Sum not exceeding Ten Shillings, and for the Second and any ſubſequent Offence, a Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, or ſuch Perſon or Perſons as he ſhall appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Road, by Timber, Stone, Carriages, Sawpits or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and alſo to divert or turn any Watercourſes, Gutters, Conduits or Drains running into the ſame, to the Prejudice thereof, and to open, ſcour and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit or Watercourſe adjoining or near any Part of the ſaid Road, and alſo at proper Seaſons of the Year to cut down, top or lop any Trees, Branches or Buſhes growing in the ſame Road, or in the Hedges, Fences, Banks or Grounds adjoining thereto, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Ten Days after Notice in Writing given for that Purpoſe under the Hands of ſuch Surveyor, and the Charges thereof reſpectively (being ſettled by the ſaid Truſtees) ſhall be reimburſed from Time to Time by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid; and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed are hereinafter directed to be levied and recovered; and if, after the Removal of any ſuch Nuiſances and Annoyances as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Surveyor empowered to remove ſudden Obſtructions without Notice.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time, without giving any previous Notice, to move all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly fall or be blown down from any Hedge, Bank, or Land into or upon any Part of the ſaid Road by this Act authorized to be made or repaired, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to be no Annoyance to Travellers, and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots or other Things, ſhall ſo ſlide or fall, or be blown down as aforeſaid, and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees) ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered

Surveyor may make Cauſeways and Drains.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and any other Perſon and Perſons, by order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes, in, upon, and on the Sides of the ſaid Road, and alſo through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair Bridges and Arches upon

upon the ſame Road, and acroſs any ſuch Ditch, Drain, or Watercourſe as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſame Road, in order to prevent the ſame from being flooded or overflowed with Water, as the ſaid Surveyor ſhall judge neceſſary, and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſame Road (except as herein-before mentioned), to be made uſe of as a Road whilſt the Road by this Act authorized to be made or repaired ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds to be uſed, cut through, or built upon, for the Damages which ſuch Owners or Occupiers reſpectively ſhall ſuſtain thereby; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then and in ſuch Caſe the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the Weſt Riding of the ſaid County of *York* next after the Expiration of Twenty Days from the Time of doing ſuch Damage, ſhall and are hereby authorized and required to hear, ſettle, and determine the ſame, and their Determination therein ſhall be final and concluſive.

Application of Compenſation when amounting to 200*l.*

XXXVII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in this Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the 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 of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the

said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200 l.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when less than 20 l.

XXXIX. Provided also, and be it further enacted, That when such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles; or if Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Order of the Court of Chancery on

XL. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, 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 shall refuse to execute such Conveyance or Conveyances; or in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 and may 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 to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

ſubject to the Order of the Court of Chancery on Motion or Petition.

XLI. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities, to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, 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 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.

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

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

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

New Roads to be fenced by the Truſtees.

XLIII. And be it further enacted, That the ſaid Truſtees ſhall make or cauſe to be made proper Walls or Quickſet Fences where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches where neceſſary, out of the ſame Road into the Lands adjoining, and ſhall keep the Quickſet Fences ſo to be made in good Order and Repair, for the Term of Six Years from the Time that ſuch Quickſet Fences ſhall have been made or planted.

Lands chargeable to the Repairs of Roads and Bridges to continue ſo.

XLIV. Provided always, and be it further enacted, That where any particular Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes, lying in and upon the ſame Road, have been accuſtomed, or ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the Weſt Riding of the ſaid County of *York*, or any Ward, Pariſh, or Townſhip therein or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes ſhall, from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politick or Corporate, County, Ward, Pariſhes, or Townſhips reſpectively, and in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in Repair, in caſe this Act had not been made.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work.

XLV. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Roads within the Pariſhes, Townſhips, or Places through which the ſaid Road, or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Road; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Weſt Riding of the County of *York*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſts of Names ſhall be made in Manner, and under ſuch Regulations and Reſtrictions, as is or may be directed by any Law or Statute in force and effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable

to Statute Work as aforeſaid to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Parts of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Road ſhall lie and be ſituate, or with the Surveyor of the Highways for ſuch Pariſhes or Places, duly authorized for that Purpoſe at a publick Veſtry, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh,

Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers to the ſaid Truſtees, in advance, on or before the Tenth Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may contract for Repairs.

XLVII. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, and repairing the ſaid Road, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper, and alſo to contract with any Perſon or Perſons, Bodies Politick or Corporate, for the Payment of any annual Sum or Sums in groſs, as a Compenſation for any Loſs, Injury, or Damage, which he, ſhe, or they ſhall or may ſuſtain by carrying this Act into Execution; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting by the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Mile Stones and Direction Poſts to be erected.

XLVIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Mile Stones and Poſts to be ſet up, and from Time to Time renewed on the Sides thereof reſpectively, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places, and alſo proper Direction Poſts where any other Roads lead out of or into the ſame Road; and if any Perſon or Perſons ſhall wilfully break, pull down, deſtroy or damage any of the Stones or Poſts which ſhall be ſo fixed or ſet up, or eraze, obliterate, or deface any of the Inſcriptions or Letters which ſhall be engraven or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty on hauling Timber or Stones on the Road.

XLIX. And be it further enacted, That if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Road, excepting only on croſſing the ſame, any Tree or Piece of Timber, or any Stone, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon wheeled Carriages, to drag upon any Part of the ſame Road to the Prejudice thereof, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Power for Owners or Occupiers of certain Lands to make Drains acroſs the Road.

L. Provided always, and be it further enacted, That it ſhall be lawful for any Owner or Occupier of Lands adjoining the ſaid Road to cut acroſs the ſame Road for the Purpoſe of making, cleanſing, or amending any Drains or Watercourſes for draining ſuch adjoining Lands, and opening a Paſſage for the Water acroſs and underneath the ſaid Road, ſuch Drains and Watercourſes to be ſo made and cut, and afterwards at all

Times

Times repaired, cleanſed, and amended in a ſufficient and proper Manner by the Perſon or Perſons who ſhall make the ſame, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, at his, her, or their own Expence, provided that ſuch Drains and Watercourſes ſhall always (at the Expence of the Perſon or Perſons ſo making ſuch Drains or Watercourſes, his, her, or their Heirs, Executors, or Adminiſtrators) be made and cut and covered in, and the Road over the ſame reſtored to the ſame State and Condition as the ſame was in immediately before the making of ſuch Drains or Watercourſes, within as ſhort a Time as poſſible, and that One Half of the Breadth of the Road ſhall only be ſo cut through at once, and that the ſame ſhall be covered in and put into complete Repair before the other Half of the Breadth of the Road ſhall be cut through.

Power to compel Payment of Subſcriptions.

LI. And be it further enacted, That all Perſons who have ſubſcribed or ſhall hereafter ſubſcribe to pay any Money towards making and repairing the ſaid Road ſhall, and he, ſhe, and they is and are hereby required to pay his, her, and their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees; and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

How Penalties and Forfeitures are to be recovered and applied.

LII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering of which is not herein otherwiſe particularly directed), ſhall, upon Proof of the Offences and Conviction of the Offenders reſpectively before any One or more Juſtice or Juſtices of the Peace for the County, Riding, or Diviſion wherein ſuch Offences ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath *gratis*); and the Overplus, after ſuch Penalties, Forfeitures, Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels, and all ſuch Penalties, Forfeitures, and Fines (if not otherwiſe directed by this Act), ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied for the Purpoſe of this Act, and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for ſuch County, Riding, or Diviſion, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Directing the Form of Conviction.

LIII. And be it further enacted, That for the more ſpeedy Conviction of all Offenders againſt this Act, all and every the Juſtice and Juſtices of the

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 Form, or to the Effect following:

'To wit. } BE it remembered, That on the Day of in the Year of our Lord and in the Year of the Reign of His Majeſty is convicted before me [*or*, us] of His Majeſty's Juſtices of the Peace for by virtue of an Act of Parliament made and paſſed in the Forty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act, and ſpecify the Offence, and the Time and Place when and where the ſame was committed.*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

Appeal to the Quarter Seſſions.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of this Act, for which no particular Relief hath been herein-before provided (ſave and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final), ſuch Perſon or Perſons may, within Six Calendar Months after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General Quarter Seſſions to be holden for the Weſt Riding of the County of *York*, ſuch Appellant or Appellants firſt giving or cauſing to be given Twenty-one Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof to the Clerk or Treaſurer of the ſaid Road, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Weſt Riding, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of the Juſtices at ſuch Quarter Seſſions, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them by ſuch Juſtices, and the Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed in, hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper, and their Determination therein ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Proceedings to be entered in a Book.

LV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, and alſo the Book directed to be kept for regiſtering Mortgages and Transfers ſhall and may be produced and read in Evidence in all Courts and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

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

LVI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing which ſhall be done againſt or by virtue of this Act, in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in the Name of their Clerk or Treaſurer by virtue

virtue of this Act shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action; and every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

Distress not to be unlawful for Want of Form.

LVII. And be it further enacted, That where any Distress shall be made for any Sum 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 Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LVIII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of Action to be given; Plaintiff not to recover after Tender of Amends; and if no Tender, Money may be paid into Court.

LIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LX. And

Limitation of Actions.

LX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Twenty-one Days Notice thereof ſhall have been given to the Clerk or Treaſurer of the ſaid Road, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every ſuch Action or Suit ſhall be laid or brought in the County of *York*, and not elſewhere; and the Defendant or Defendants, in every ſuch Action, ſhall or may at his, her, or their Election plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty-one Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of the Time limited for bringing the ſame as aforeſaid, or 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 diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath in other Caſes by Law.

Publick Act.

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

Commencement and Continuance of the Act.

LXII. And be it further enacted, That this Act ſhall commence and take place on the Second *Thurſday* next after the paſſing thereof, and ſhall be in force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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