ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxv.

An Act for amending the Road from *Selby* to *Leeds*, in the West Riding of the County of *York*.

[8th *July* 1820.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of King *George* the Second, intituled *An Act for repairing and enlarging the Roads from the Town of* Selby, *in the West Riding of the County of* York, *to the Town of* Leeds, *and from thence in Two several Branches, one through* Bradford *and* Horton, *and the other through* Bowling *and* Wibsey *to the Town of* Halifax *in the same Riding:* And whereas another Act was also passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for explaining and amending so much of an Act passed in the Fourteenth Year of the Reign of His present Majesty, for the repairing and enlarging the Roads from the Town of* Selby, *in the West Riding of the County of* York, *to the Town of* Leeds, *and from thence in Two several Branches, one through* Bradford *and* Horton, *and the other through* Bowling *and* Wibsey *to the Town of* Halifax, *in the same Riding, as relates to that Part of the said Roads which lies between* Selby *and* Leeds; *and also for repairing the Road from* Tadcaster *in the said West Riding over* Bramham Moor, *through* Kidhall Lane, *over* Win Moor, *and through* Seacroft *to a Place called* Halton Dyal *where it comes into the abovesaid Road between* Selby *and* Leeds: And whereas by the said Act of the Twenty-fourth Year of the Reign of King *George* the Second, the Road between *Selby* and *Leeds* is made a separate

14 G. 2 c. 32.

24 G. 2. c. 22.

District or Division, and the Road between *Tadcaster* and *Halton Dyal* is made another District or Division: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His late Majesty
26G.3.c.155. King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-fourth Year of the Reign of His late Majesty King* George *the Second, so far as relates to the Road from* Selby *to* Leeds *in the West Riding of the County of* York: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty
39G.3.c.21. King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers, of Three several Acts, passed in the Fourteenth and Twenty-fourth Years of the Reign of His late Majesty King* George *the Second, and in the Twenty-sixth Year of the Reign of His present Majesty, so far as the same relate to the Road from* Selby *to* Leeds, *in the West Riding of the County of* York: And whereas the Trustees of the said Road between *Selby* and *Leeds* have borrowed at Interest several considerable Sums of Money, on the Credit of the Tolls authorized to be collected upon the same Road, for amending and improving the same, and which Money still remains due and owing; and the Term granted and continued by the said several Acts is near expiring: And whereas the said Road from *Selby* to *Leeds* cannot be sufficiently amended, widened, improved, and kept in repair, nor can the Money so borrowed be repaid, or the Interest thereon be discharged, unless the Term and Powers of the said several Acts, so far as the same relate to the Road from *Selby* to *Leeds*, are enlarged, and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid, if such of the Powers and Provisions of the said Acts relating to the said Road from *Selby* to *Leeds*, as shall be continued or amended were consolidated and comprised in one Act; and if further Powers and Provisions were granted and made: 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

Former Acts repealed.

the Authority of the same, That the said several recited Acts of the Fourteenth and Twenty-fourth Years of the Reign of King *George* the Second, and of the Twenty-sixth and Thirty-ninth Years of the Reign of His said late Majesty King *George* the Third, so far as the same or any of them respectively relate to the said Road from *Selby* to *Leeds*, in the West Riding of the County of *York*, shall be and the same are hereby declared to be repealed; and that this Act shall commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, widening, diverting, altering, improving, and maintaining in Repair the said Road from *Selby* to *Leeds*, in the said West Riding of the County of *York*; and this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said several Acts, or any of them, on the said Road from *Selby* to *Leeds*, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, Sir *John Beckett* Baronet, Sir *James Graham* Baronet, Sir *Henry Carr Ibbetson* Baronet, Sir *Philip Musgrave* Baronet, Sir *John Ramsden* Baronet, Sir *Thomas Vavasour* Baronet, *Edward Armitage*, *Leathley Armitage*, *Miles Atkinson*, *John Atkinson* (*Austrop*), *Benjamin Atkinson*, *William Aldam*, *George Addinell*, the Right Honourable *John Beckett*, *Christopher Beckett*, *William Beckett*, *Thomas Beckett*, *Henry Beckett*, *John Blayds*, *John Blayds* the younger, *Thomas Blayds*, *John Brooke*, *Edward Brooke*, *Charles Brown*, *George Banks*, *Benjamin Brooksbank*, *Christopher Bramley*, *John Bramley*, *Richard Bramley*, *Gervas Benson*, *Thomas Bischoff*, *George Bischoff*, *John Bischoff*, *William Bingley*, *James Brook* the younger, *John Broadhead*, *Thomas Davison Bland*, *Charles Brandling*, *Samuel Blagbrough*, *Wade Browne*, *Nicholas Bischoff*, *Hugh Bell*, *William Bellhouse*, *James Brown*, *William Williams Brown*, *Fountaine Brown*, *Edwin Birchall*, the Rector of *Barwick in Elmet* for the Time being, *John Blenkinsop*, *George Brook*, *Charles Coupland* the younger, *John Beedam Charlesworth*, *Samuel Charlesworth*, *Thomas Cookson*, *Francis Cookson* Clerk, *Thomas Clapham*, *John Cusson*, *Thomas Coulman*, *Robert John Coulman*, *John Carr*, *Charles Chadwick*, *Thomas Chorley*, the Honourable and Reverend *Archibald Hamilton Cathcart* Clerk, *John Clayton*, *John Dixon*, *John Denison*, *David Dunderdale*, *Lepton Dobson*, *Benjamin Eamonson* Clerk, *Joseph Ellerton*, *George Ellerton*, *Richard Fawcett* Clerk, *Thomas Faber* Clerk, *James Fox*, *George Lane Fox*, *William Lane Fox*, *Joshua Field*, *Thomas Lodington Fairfax*, *Richard Oliver Gascoigne*, *John Gray*, *Benjamin Gott*, *John Gott*, *Henry Greenwood*, *John Hill*, *Beverley Hill*, *John Hardy*, *Thomas Hardwick*, *Thomas Hainsworth*, *Henry Hall*, *William Hey*, *William Hey* the younger, *John Hirst*, *William Hebdin*, *John Howarth*, *Richard Hobson*, *George Hobson*, *John Pemberton Heywood*, *Abraham Hobson*, *John Holroyd*, *Martin Hind*, *William Hartley* (*Tadcaster*), *John Hinchcliffe*, *Joseph Holroyd*, *David Hemsworth*, *John Harper*, *Robert Jowitt*, *Thomas Ikin*, *Joseph Ingham*, *William Jackson* (*Tadcaster*), *John Kendall* (*Towton*), *James Landon* Clerk, *Edward Lascelles*, *Henry Lascelles*, *John Lowther*, the Vicar of *Leeds* for the Time being, *Roger Holt Leigh*, *William Thompson Lee*, *Jonathan Lupton*, *Edmund Maude*, *James Maude*, *Joseph Medley*, *Ralph Markland*, the Minister of *Saint John's* Church in *Leeds* for the Time being, *William Markham*, *Thomas Motley*, the Mayor, Aldermen, Recorder, and Assistants for the Borough of *Leeds* for the Time being, *Thomas Morkill*, *Robert Menzies*, *Humphrey Osbaldeston*, *Joseph Oates*, *George Oates*, *Josiah Oates*, *William Prest*, *George Paley*, *John Pearson*, *William Frankland Paley*, *Abraham Parkinson*, *Thomas Benson Pease*, *Robert Parkinson*, the Honourable *Edward Petre*, *James Porter*, *Richard Pullan*, *Thomas Proctor*, *William Proctor*, *Christopher Paver*, *Abram Rhodes*, *Thomas Shaw Bancroft Reade*, *John Reynolds*, *William Radford*, *William Rhodes* Clerk (*Tadcaster*), *John Raper*, *John Lamplugh Raper*, *Christopher Smith*, *Henry Skelton*, *John Smithson* Clerk, *Samuel Smallpage* Clerk, *Walter Spencer Stanhope*, *John Sheepshanks* Clerk, *William Sheepshanks*, *John Sheepshanks*, *Joseph Smith*, *Michael Scholefield*, *Benjamin Sadler*, *John Smyth*, *Thomas Shann* (*Tadcaster*), *Samuel Smith* (*Hambleton*), *Thomas Skelton*, the Honourable *Edward Stourton*, *William Thomas Trant*, *Thomas Thursby*, *Thomas Tennant*, *Francis Tattersall* Clerk, *John Gilby Uppleby*, *Edward Wilkinson*, *Griffith Wright*, *Thomas Walker*, *Christopher Wilson*, *Ard Walker*, *John Wilson* the younger, *Richard Wormald*, *Richard Walker*, *Bryan Wormald*,

mald, Isaac Wilson, Abraham Wells, Jonathan Wilks, George Wray Clerk, *Joseph Wrigglesworth, Benjamin Wrigglesworth, John Whitaker* Clerk, *John Wharton, Thomas Woodcock* Clerk, *Granville Hastings Wheler, Samuel Wilks Waud, John Warner*, and *Richard York*, and their Successors to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, amending, widening, diverting, altering, improving, and keeping in Repair the said Road from *Selby* to *Leeds*, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

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

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

IV. And be it further enacted, That when and so often as any of the Trustees hereby named and appointed or to be appointed by virtue of this Act shall die or become disqualified, or by Writing under his or their Hand or Hands, delivered to the Clerk to the Trustees of the said Road, refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, and they are hereby authorized and empowered to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of any Trustee or Trustees so dying, or becoming disqualified or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, or by any Two or more of the said Trustees, which Notice shall be inserted in one or more of the *Leeds* Newspapers, at least Seven Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and having taken the Oath or Affirmation hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution as any Trustee or Trustees hereby nominated and appointed is or are vested with.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath of Qualification herein-after mentioned) unless he shall, at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate to the Amount of Four thousand Pounds, nor until he shall have taken and subscribed, before any Five or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and

which

which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

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

[*or*, being a *Quaker*, omit the Words, 'So help me GOD.']

Trustees Oath or Affirmation.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested, other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine, or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be Magistrates for the Borough of *Leeds* in the said County of *York*, or in the Commission of the Peace for the West Riding of the said County of *York*, shall not, by reason of being such Trustees, be deemed disqualified from acting as Justices of the Peace in the Execution of this Act within their respective Jurisdictions, except only in such Cases where they shall be individually interested.

Penalty on Trustees acting not being qualified.

Acts of unqualified Trustees before Conviction to be valid.

Mortgagees may be Trustees.

Trustees being Justices may act as such.

VI. And be it further enacted, That the Trustees for executing this Act, or any Five or more of them, shall meet together at the Court House in

Meetings of Trustees.

in *Leeds* aforesaid, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall then and from Time to Time after, adjourn to meet at such Times and at such Place or Places, upon or near the said Road, as they shall think proper, and that Two Trustees present at any Meeting, shall be sufficient to adjourn the same; and if a competent Number of Trustees shall not be present at any Meeting to act or adjourn, or in case the Trustees present at any Meeting shall omit to adjourn the same, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held (as the Case may be), and to such Time as he shall think fit, not being more than Sixty Days, nor less than Seven Days from the last Meeting or intended Meeting; and shall give Notice thereof in One of the *Leeds* Newspapers, at least Five Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to cause Notice to be inserted in One or more of the *Leeds* Newspapers, at least Five Days before any Meeting is intended to be held, appointing the Trustees to meet at such Time and Place upon or near the same Road as the said Clerk, or the said Trustees respectively giving such Notice, shall think proper, not exceeding One Calendar Month, nor less than Five Days from the Time of advertising such Meeting; and the said Trustees shall at their several Meetings pay their own Expences; and all Meetings of the Trustees in the Execution of this Act shall be held between the Hours of Eleven of the Clock in the Forenoon, and Six of the Clock in the Afternoon; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act shall be made at Meetings consisting of not less than Five Trustees, to be held in pursuance of this Act and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid unless the major Part of the Trustees present at such Meeting shall concur therein; and all Acts, Orders, and Proceedings of any Five or more of the said Trustees, or the major Part of such Five or more Trustees, had or done as aforesaid in the Execution of this Act, shall be as valid and effectual as if all the Trustees had been present at any such Meeting, and had concurred therein; and at all such Meetings a Chairman shall or may be appointed; and in all Cases when there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Thirteen Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made, nor unless Ten Days Notice at the least of such intended Revocation or Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Book of Proceedings, and also inserted in One of the *Leeds* Newspapers, at least Five Days before such Meeting, nor unless a Majority of the Trustees who shall be present at the Meeting for such Revocation or Alteration, or proposed Revocation or Alteration, shall concur therein.

Adjournments.

If no Adjournment, Notice to be given.

Trustees to pay their own Expences.

Five Trustees a Quorum; and Acts done by the major Part of them at Meetings to be valid.

No Order to be revoked, unless Thirteen Trustees present, &c.

Meetings on Emergencies.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the said Trustees, and to and for the Clerk to the said Trustees, by an Order in Writing signed by Three or more Trustees (although not assembled at a Meeting) to appoint the Time and Place, and to mention the Purpose of such Meeting, and to give Notice of such earlier Meeting by Advertisement in One of the *Leeds* Newspapers, (such Time being not less than Three Days after such Notice shall be given); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment; and such Meetings, or any of them, may be adjourned, and every Adjournment of such earlier Meeting shall be considered as an Adjournment of the original Meeting under this Act.

Books to be kept of Proceedings of Trustees.

Books to be Evidence.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said recited Acts, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

IX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any or either of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied in Manner herein-after provided.

Trustees may appoint Committees.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of this Act, to nominate

minate and appoint any Number of the said Trustees, not less than Three, as a Committee or Committees, to examine into, inspect, or superintend any Matter or Business directed to be done by the said Trustees in Execution of this Act, as the said Trustees, or any Five or more of them, shall intrust to such Committee or Committees; and such Committee or Committees shall be accountable to any Meeting for what they shall do therein; and such Committee or Committees shall report what they have done therein from Time to Time at the next or some other Meeting of the said Trustees, and shall meet at and adjourn from Time to Time to any Time or Place as they shall see Occasion; and the Report of such Committee and Committees shall be signed by them, and entered in the General Minute Book of Proceedings kept by the Clerk to the said Trustees, or in a separate Book or Books, as the said Trustees or any Five or more of them shall think fit, and be referred to from the General Minute Book; and the Orders from Time to Time made in pursuance of such Report or Reports, shall refer to the Report on which the same was grounded; provided always, that the said Committee or Committees shall at all Meetings pay and defray their own Expences.

Appointment of Officers.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and Eight Days Notice of the Intention of such Appointment shall be given in one of the *Leeds* Newspapers, and of every Meeting where any such Appointment shall be made after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees, or any Five or more of them, shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Persons selling Ale, &c. by retail not capable of holding Places of Profit.

Old Officers to continue until new ones elected.

XII. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor and other Officer, (other than the Treasurer), appointed under and by virtue of the former Acts, or any of them, for or in respect of the said Road hereby intended to be repaired and maintained, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever as if he had been appointed by virtue of this Act.

XIII. Pro-

Offices of Clerk and Treasurer not to be held by one Person.

XIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Trustees to appoint temporary Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall and may be lawful for any Three or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as if he or they had been nominated and appointed at a Meeting under and by virtue of this Act; and

For recovering Possession of Toll Houses.

that if any Collector or Receiver who shall die or be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver, who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given or left at such Toll House or Building for that Purpose, by any Three or more of the said Trustees, (although not assembled at a Meeting), or under the Hand of their Clerk for the Time being, then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the West Riding of the County of *York*, or for the Borough of *Leeds*, in the said County, upon Demand thereof made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any one of them, or their new appointed Officer, into the Possession thereof.

Officers to account and pay over Balances.

XV. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees or any Five or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Accounts, Papers, and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Road hereby directed to be repaired and amended, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County, Riding, or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall live or reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode (no reasonable Cause or Causes being shewn for such Non-appearance) to issue a Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by virtue of such Warrant, or having absconded or not being to be found, it shall be lawful for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected and received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or

neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Road hereby directed to be repaired and amended, then and in any of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County, Riding, or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees or any Five or more of them for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same (and which Composition the said Trustees or any Five or more of them are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Treasurer, &c. to give Security.

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

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

XVII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Trustees; and no Action which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees, but that the Clerk or the Trustee in whose Name such Action shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto,

or

or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Defendant, Informant, Appellant or Respondent.

Power to erect Turnpikes, Toll Gates, Side Bars, Weighing Machines, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Road, or on the Sides thereof, and to erect, set up or build, or cause to be erected, set up or built, upon, in, or across the said Road hereby intended to be maintained, repaired, and amended, or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, or Gates, Chain or Chains, Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Out-buildings and Conveniences suitable thereto, at or near each Toll Gate, Side Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint; any thing contained in any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

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

XIX. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto, now being upon or near the said Road, or which shall be provided, erected, or made by virtue of this Act, and all Materials for building or repairing the same, and for making, improving, or repairing the said Road, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees, and they or any Five or more of them are hereby empowered to sell and dispose of the same Materials respectively as they shall think proper, and to bring or cause to be brought in the Name of their Clerk for the Time being any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or who shall break down or damage, steal, or take away any such Turnpikes, Toll Gates, Side Bars, Chains, Weighing Machines, Toll Houses, and other Houses and Buildings, Conveniences and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be Property of 'The Trustees for repairing, 'amending, widening, diverting, altering, improving, and keeping in 'Repair the Road from *Selby* to *Leeds*, in the West Riding of the

'County

County of *York*,' without naming or otherwise describing the said Trustees.

Power to take Tolls.

XX. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at all or any of the Turnpikes or Toll Gates, or Toll Houses or Side Bars, or Side Gates or Chains, which are or shall be standing and being or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road by this Act directed to be repaired, amended, and maintained, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Curricle, Phaeton, Chaise, Calash, Caravan, Hearse, Litter, or other such like Carriage, except Stage Coaches or Diligences, if drawn by Four or more Horses or Beasts of Draught, at the First Gate or Turnpike through which such Horse or Beast of Draught drawing any such Coach, Chariot, Landau, Berlin, Curricle, Phaeton, Chaise, Calash, Caravan, Hearse, Litter, or other such like Carriage shall pass, the Sum of Ten-pence; and if drawn by Three Horses or Beasts of Draught, the Sum of Eight-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the Sum of One Shilling for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the Sum of One Shilling: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Coach, Chariot, Landau, Berlin, Curricle, Phaeton, Chaise, Calash, Caravan, Hearse, Litter, or other such like Carriage except Stage Coaches or Diligences shall pass (on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Sixpence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Sixpence: And at the Third, Fourth, or Fifth Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Coach, Chariot, Landau, Berlin, Curricle, Phaeton, Chaise, Calash, Caravan, Hearse, Litter, or other such like Carriage (except Stage Coaches or Diligences) shall pass, (on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Sixpence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Sixpence:

For every Horse or Beast of Draught drawing any Stage Coach or Diligence, if drawn by Four or more Horses or Beasts of Draught, at the First Gate or Turnpike through which such Horse or Beast of Draught, drawing any such Stage Coach or Diligence shall pass, the Sum of Seven-pence; and if drawn by Three Horses or Beasts of Draught, the Sum of Eight-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the Sum of One Shilling for each Horse or Beast of Draught: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees, or any Five or more of them) through which such Stage Coach or Diligence shall pass (on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught: And at the Third, Fourth, or Fifth Gate or Turnpike, (at the Discretion of the said Trustees or any Five or more of them) through which such Stage Coach or Diligence shall pass (on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, with broad or narrow Wheels, not going for or laden with, or returning empty after having been laden with Coals only, if drawn by Seven or more Horses or Beasts of Draught, at the First Gate or Turnpike through which such Horse or Beast of Draught drawing any such Waggon, Wain, Cart, or other such like Carriage shall pass, the Sum of Nine-pence; and if drawn by Six Horses or Beasts of Draught, the Sum of Ten-pence for each Horse or Beast of Draught; and if drawn by Five Horses or Beasts of Draught, the Sum of Ten-pence for each Horse or Beast of Draught; and if drawn by Four Horses or Beasts of Draught, the Sum of One Shilling for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Two-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts Draught, the Sum of One Shilling for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the Sum of One Shilling: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Waggon, Wain, Cart, or other such like Carriage shall pass (on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike), if drawn by Seven or more Horses or Beasts of Draught, the further Sum of Three-pence for each Horse or Beast of Draught; and if drawn by Six Horses or Beasts of Draught, the further Sum of Five-pence for each Horse or Beast of Draught; and if drawn by Five Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Four Horses or Beasts of Draught, the further Sum of Five-

pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Five-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Sixpence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Four-pence: And at the Third, Fourth, or Fifth Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Waggon, Wain, Cart, or other such like Carriage shall pass (on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before), if drawn by Seven or more Horses or Beasts of Draught, the further Sum of Three-pence for each Horse or Beast of Draught; and if drawn by Six Horses or Beasts of Draught, the further Sum of Five-pence for each Horse or Beast of Draught; and if drawn by Five Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Four Horses or Beasts of Draught, the further Sum of Five-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Five-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Sixpence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Four-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, with broad or narrow Wheels, going empty for or laden with, or returning empty after having been laden with Coals only, if drawn by Four or more Horses or Beasts of Draught, at the First Gate or Turnpike through which such Horse or Beast of Draught drawing any such Waggon, Wain, Cart, or other such like Carriage shall pass, the Sum of Ten-pence; and if drawn by Three Horses or Beasts of Draught, the Sum of Ten-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the Sum of Eight-pence: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Waggon, Wain, Cart, or other such like Carriage shall pass, (on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Three-pence: And at the Third, Fourth, or Fifth Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them) through which such Waggon, Wain, Cart or other such like Carriage shall pass, (on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before), if drawn by Four or more Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the further Sum of Four-pence for each Horse or Beast of Draught;

Draught; and if drawn by only One Horse or Beast of Draught, the further Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen and not drawing, at the First Gate or Turnpike through which such Horse, Mule, or Ass shall pass, the Sum of Two-pence: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them), on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike, the further Sum of Two-pence: And at the Third, Fourth, or Fifth Gate or Turnpike, (at the Discretion of the said Trustees or any Five or more of them), on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before, the further Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, at the First Gate or Turnpike through which such Oxen or Neat Cattle shall pass, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them), on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike, the further Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number: And at the Third, Fourth, or Fifth Gate or Turnpike, (at the Discretion of the said Trustees or any Five or more of them), on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before, the further Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Lambs, or Swine, at the First Gate or Turnpike through which such Drove of Calves, Sheep, Lambs, or Swine shall pass, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any greater or less Number: And at the Second or Third Gate or Turnpike (at the Discretion of the said Trustees or any Five or more of them), on a Ticket being produced denoting the Payment of Toll the same Day at such First Gate or Turnpike, the further Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number: And at the Third, Fourth, or Fifth Gate or Turnpike, (at the Discretion of the said Trustees or any Five or more of them), on Tickets being produced denoting the Payment of Toll the same Day at Two Gates or Turnpikes before, the further Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number;

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate or Chain, already erected and continued or to be erected and continued by virtue of this Act, upon or across the said Road, or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in Manner herein-after directed: Provided always, that in all Cases where any Waggon, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat Cattle shall be considered as One Horse; and provided also, that every Lighter or Cart fastened and drawn with another Cart or Waggon upon or over the said

Road, shall be considered as a Cart drawn by Two Horses, and shall be liable to Toll as if such Lighter or Cart were a Cart drawn by Two Horses, and Toll shall be demanded and taken accordingly, over and above the Toll to which the Horses or Beasts drawing the Cart or Waggon whereto such Lighter or Cart shall be fastened is liable by virtue of this Act.

Tickets to be printed.

XXI. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Tickets shall free.

Tolls may be distrained for.

XXII. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the Tolls by this Act granted or made payable, shall after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses) Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of, or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted, to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace of the Riding, Liberty, or Place where such Dispute shall happen.

Toll to be paid but once a Day;

except Horses, &c. drawing Stage Coaches, &c.

XXIII. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night), through any one of the said Gates or Turnpikes, with the same Horses, Beasts, Cattle, or Carriages (except Horses or Beasts of Draught drawing any Stage Coach or other such Public Carriage, which are to pay Toll for every Time of passing; and also except Horses or Beasts of Draught drawing any Post Chaise, or other such Carriage let out on Hire, when any new Hiring thereof shall be made, which shall also pay Toll for every Time of passing, on a Ticket being produced denoting such

such new Hiring); and that all and every Person and Persons, having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof, and naming and specifying the several Gates freed by such Payments (which said Notes or Tickets the Collectors are hereby required to give *gratis*) shall afterwards be allowed to pass or repass, during such Day, with the same Horses, Cattle, Beasts, and Carriages, except as aforesaid, Toll-free through the Turnpike or Toll Gate at which Toll shall have been so paid; and that no Person shall be liable to the Payment of any Toll or increased Charge, by reason of his passing through any Side Gate or Side Bars or Chains to be continued or erected and set up by virtue of this Act, upon or across any Lane or Road leading into or out of the said Road through any other of the Turnpikes to be continued or erected by virtue of this Act, across any Part of such Road, beyond what he would be liable to pay if he had passed through any of the said Gates only.

Limiting the Number of Tolls for passing through all the Gates on the Road.

XXIV. Provided also, and be it further enacted, That no more than Three Tolls in the whole shall be paid or payable for or in respect of the same Horses, Cattle, Beasts, or Carriages, for passing in one Day, to be computed as aforesaid, through all the Gates or Turnpikes erected or to be erected on the said Road, (except Horses or Beasts of Draught drawing any Stage Coach, or other such public Carriage, which are to pay Toll every Time they shall pass through the said Toll Gates or Bars, or any of them; and also except Horses or Beasts of Draught drawing any Post Chaise or other such Carriage let out on Hire, when any new Hiring thereof shall be made, which shall also pay Toll for every Time they pass through the said Toll Gates or Bars, or any of them, on a Ticket being produced denoting such new Hiring); provided also nevertheless, that no more than One Toll shall be paid in respect of the same Horses, Beasts, Cattle, or Carriages (except as aforesaid) passing along the said Road at any Two Gates in succession, unless such Gates at which Toll shall be demanded shall be at the Distance of Four Miles or more from each other.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXV. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof or of the Horses or Beasts drawing the same the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act in Manner therein mentioned.

Penalty on Persons evading the Tolls.

XXVI. And be it further enacted, That if any Person or Persons, not being the Owner or Occupier, Owners or Occupiers of the Lands, Grounds, or Places herein-after described, their Families or Servants, (except as herein-after is excepted), shall ride, drive, go, or pass with any Horse, Beast, Cattle, Cart, or Carriage, through or over any Gate, private Passage, Lane, Road, Land, Ground, or Place lying by the Side of or near to any Part of the said Road, (and also except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family

or

or Servants, who may have Occasion to pass to, into, or from the same Land or other Premises for the Use, Occupation, and Management of the same); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a Public Highway) near to the said Road or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass either on Foot, or with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lane, Road, Lands, or Grounds, in order to or with Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person not having paid the said Toll shall offer or produce and use any such Ticket with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road any Horse or Horses or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike or Toll Gate, with any Horse or other Cattle or Beast, without Payment of the Toll or of any Part thereof, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Gates, &c. may be erected to prevent Evasion of Toll.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think it necessary, in order to prevent the Evasion of Toll, to erect or place any Gate, Chain, or Stile across any Lane or Way leading into or out of the said Road; but the Erection of any such Gate or Gates, or the placing of any Chain or Stile, shall not extend to create an additional Payment of Toll; and if any Person shall pull up, pull down, displace or damage any Hedge, Wall, Bank, Ditch, Gate, Style, or Post, such Person shall forfeit and pay, over and above the Damage occasioned, any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures: Provided nevertheless, that nothing herein contained shall extend to prejudice the present or future Owner or Owners, or any of them, of the Lands or Estate of the most Honourable *Francis Ingram Seymour Conway* Marquess of *Hertford* and *Isabella Anne* Marchioness of *Hertford*, his Wife, in right of the said Marchioness, heretofore the Estate of the late Right Honourable Lady Viscountess *Irwin*, situate, lying, and being at *Newsom Green*, *the Water-side*, or near to a Lane called *Temple Lane*, leading from *Newsom Green*, in the Parish of *Whitkirk*, in the said County of *York*, to a Place called *Westfield Gate* in the Parish of *Leeds* aforesaid, which Lane is the private Property of the said Marquess of *Hertford*, in right of the said Marchioness, with or without others in her,

Exemption for the Marquess of Hertford and his Tenants.

her, his, or their Company, or the Servants of such Owners or Occupiers, from passing and repassing as they have usually done, through the said Lane and Grounds of the said Marquess of *Hertford*, to and from the said Town of *Leeds*, with any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carriage, or riding or driving any Horse, Mule, Ass, or any Sort of Cattle.

Disputes concerning Tolls to be settled by a Justice.

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

Collectors of Tolls and others not incompetent Witnesses.

XXIX. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls or Duties, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Road or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

Penalty on Collectors, &c. suffering Carriages to pass without weighing.

XXX. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates erected or continued, or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any Weighing Machine or Machines, which is or may or shall at any Time hereafter be erected on the said Road, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Toll Gates erected or continued, or to be erected on the said Road, without being weighed, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Road, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon;

Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Penalty on Collectors, &c. compounding for Overweight.

XXXI. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates, erected or to be erected on the said Road, or any Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, by the Year or otherwise, wherein or whereby any specific Sum or Sums of Money, in gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight, for or in respect of any Waggon, Wain, Cart or other Carriage liable to be weighed at such Weighing Machine or Machines; then and in every such Case each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall, for every such Bargain, Contract, Composition or Agreement, forfeit and pay (over and besides the Costs and Charges attending the Conviction) any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures, and shall also forfeit his or their Contract or Lease for renting the said Tolls, if the said Trustees or any Five or more of them shall think proper to order that the same shall be thereupon vacated and made void, and every such Composition shall be and the same is hereby declared to be null and void.

General Exemptions from Toll.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in

in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption); nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons residing in any Parish, Township, or Place through which the said Road, or any Part thereof, doth or shall lead, going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, in the same Parish, Township, or Place; or going to or returning from the Funeral of any Person who shall die and be buried in any such Parish, Township, or Place; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *York*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Turnips, Potatoes or Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Things used therein, belonging to any such Inhabitants or Occupiers, or any Dung, Mould, Manure, or Compost (save and except Lime) for manuring or improving Lands or Gardens, nor for any Horse, Beast, or Cattle going or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from being shoed or farried; nor for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Gravel, Sand, Stones, or other Materials for making and repairing the said Road, or any other Highway or Public Road, within any Parish, Township, or Place in which any Part of the said Road lies; or for building or rebuilding, enlarging or repairing any present or future Public Bridge or Bridges on the said Road; nor for any Horse, Cattle, Beast, or Carriage, going no more than One hundred Yards upon the said Road;

Penalty on fraudulently taking Benefit of Exemptions.

and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same;

Discontinuing some Exemptions for certain Months in the Year.

Provided always, that nothing herein contained shall debar or be meant or intended to debar the said Trustees, if they shall see convenient and think proper, or such Person or Persons as they or any Five or more of them shall, by Writing under their Hands, authorize or appoint for that Purpose, to demand, receive, and take, between the First Day of *October* and the First Day of *April* in every Year, at all the Toll Gates, Bars, or Chains erected and placed, or to be erected and placed upon, across, or on the Side of the said Road, for every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, laden with or employed in carrying any Stones, Dung, Mould, Compost, Sand, or any other Manure of what Nature or Kind soever, or any Hay, Turnips, Potatoes, or Straw, or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the Owners thereof, unless such Waggons, Wains, Carts or other Carriages shall have the Wheels thereof of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by the said Act, passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages and to allow of their carrying extra Weight in certain Cases*, such and the like Tolls as are by this Act imposed upon any Horse or Beast of Draught drawing any Waggons, Wains, Carts or other Carriages laden with any other Thing whatsoever, and drawn by the same Number of Horses, Oxen, or other Beasts of Draught; any thing in this Act, or in any other Act or Acts of Parliament contained, to the contrary thereof in anywise notwithstanding.

Respecting carrying Dung through the Toll Gates and laying it on the Road Side, and taking it away another Day.

XXXIII. And whereas it is a common Practice for Persons to lead Dung, Ashes, Compost, Manure and other Things through or near the Toll Gates or Bars on or near the said Road, and to unload and lay the same down near to such Toll Gates or Bars, or by the Side of the said Road, and afterwards reload and lead the same along the said Road, without being subject to the Payment of any Toll, to the great Annoyance and Detriment of the said Road; for the remedying whereof, be it further enacted, That no Dung, Ashes, Compost, Manure or other Things shall be unloaded and laid down within the Distance of Six hundred Yards of any of the Toll Gates or Bars erected or to be erected upon any Part of the said Road, and afterwards be reloaded and led along the said Road, or any Part thereof, upon pain that the Owner or Owners of such Carriages, or the Driver or Drivers thereof, shall forfeit and pay for the First Offence any Sum not exceeding the Sum of Twenty Shillings, and for the Second and every other subsequent Offence, any Sum not exceeding Double that Sum, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

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

XXXIV. Provided always, and be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses or other Cattle drawing the same, whilst so employed, be stopped or detained by Reason of any Weight in or upon any such Waggon, Wain, Cart,

Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be lessened, &c.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Meeting to be holden for that Purpose, whereof at least Fourteen Days Notice shall be given by Advertisement in one of the *Leeds* Newspapers, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall then be due upon the Credit of the Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term not exceeding one Year at any one Time, with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Road for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance Quarterly; and in default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void, or at the Option of the said Trustees shall be recovered as herein-after mentioned; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be leased.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Twenty-one Days Notice to be given thereof in one of the *Leeds* Newspapers, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls or Duties arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, and the Weighing Machines if any thereon, for any Term not exceeding Three Years, upon Public Bidding to the best Bidder and for the best Price or Rent such Trustees can at the Time get for the same, payable Monthly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoes, and Agreements, and with such Sureties for the Payment thereof, as the said Trustees or any Five or more of them shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall

shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in Manner directed by this Act.

Lessees, or Persons appointed by them, may collect Tolls.

XXXVIII. And be it further enacted, That during such Time as the said Tolls or Duties, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls or Duties so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls or Duties, during so long Time only as such Lessee or Lessees, Farmer or Farmers shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls and Duties so leased, demised, farmed or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act, is by virtue of this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls or Duties appointed or continued by virtue of this Act is subject or liable to.

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

XXXIX. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in Arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case any Collector or Receiver of the Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected, or set up, or to be erected or set up by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, signed by any Five or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines;

chines; or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said Riding, upon Application made by any one or more of the said Trustees, or by any Person by him or them appointed on his or their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Contract or Agreement had never been made; and it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

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

XL. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take or cause to be demanded and taken from any Person or Persons, any Toll or Duty not hereby authorized to be taken, or a greater or less Toll or Duty than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such respective Forfeitures to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XLI. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees to collect the Tolls or Duties payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he

he is hereby required, on each and every Day previous to his entering on Duty for Collection of the said Tolls, to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in the same Manner as such last-mentioned Penalty.

Penalty on obstructing Collectors.

XLII. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property real or personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Acts of the Fourteenth and Twenty-fourth Years of the Reign of King *George* the Second, and the Twenty-sixth and Thirty-ninth Years of the Reign of His said late Majesty King *George* the Third, so far as the same relate to the Road from *Selby* to *Leeds*, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said recited Acts as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and that all the Costs

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

to

to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer of the said Trustees to be applied for the Purposes of this Act.

Power to borrow Money and to assign Tolls.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said Road, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at any Meeting or Meetings, or afterwards by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls and Duties) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for amending the Road from* Selby *to* Leeds, *in the West Riding of the County of* York, we, Five of the Trustees of the said Road, whose Names are hereunto set and Seals affixed, in consideration of the Sum of by paid to the Treasurer of the said Trustees, do hereby grant, bargain, sell, and demise unto *A. B.* his, [her, *or* their] Executors, Administrators, and Assigns, such Proportion of the Tolls and Duties arising by virtue of the said Act, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole of the Monies owing and secured on the Credit thereof; to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner paid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord One thousand eight hundred and .'

Copies of Mortgages to be entered in a Book.

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

'I

Form of Transfer;

'I , being entitled to the Sum of Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment dated the Day of in the Year of our Lord One thousand eight hundred and under the Hands and Seals of of the Trustees acting in Execution of an Act passed in the Fourteenth Year of the Reign of King *George* the Second, *or*, of an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second *or*, of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third; *or*, of an Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third; *or*, of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for amending the Road from* Selby *to* Leeds, *in the West Riding of the County of* York, [*as the Case may be*], upon the Credit of the said Act, do hereby transfer, assign, and set over all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord One thousand eight hundred and Witness *C. D.* *A. B.*'

which must be entered with the Clerk.

All which Transfers shall be produced and notified to the Clerk to the said Trustees within Twenty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties and Amount of the Sum transferred, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom the same shall be last transferred, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

No Priority of Mortgages.

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

An Action of Ejectment may be supported by One Mortgagee.

XLV. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only,

only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession, but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use or Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of the Tolls and Money to be borrowed.

XLVI. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts or any of them and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls, Mortgages or otherwise, by this Act granted, the said Trustees, or any Five or more of them shall, in the first place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of the Principal Monies borrowed by the said former Acts or any of them, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the said Road, and in otherwise putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed by virtue of the said Acts, or to be borrowed by virtue of this Act.

Trustees may widen, turn, or alter the Road.

XLVII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting, or any Five or more Trustees, and they are hereby authorized and empowered to make, repair, widen, divert, alter, or turn the Course or Path of any Part or Parts of the said Road upon, over, or through any private Lands or Grounds, and lay into the said Road any Lands or Grounds of any Person or Persons (not being a House, Garden, Orchard, planted Walk, or Avenue to a House), not exceeding Fifty Feet in Width, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and also through any Commons or Waste Grounds, and by, over, and along any ancient Highways or Roads, without making any Satisfaction for such Commons or Waste Grounds, Highway or Road; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Road or Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-

herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Extent of Road ascertained.

XLVIII. And, for preventing Doubts touching the Extent of the said Road from *Selby* to *Leeds*, be it further enacted, That the said Road shall commence from the Pavement at the West End of the Town of *Selby*, and end at the Pavement at the Top of *Marsh Lane Head*, in the Township of *Leeds*.

The Streets of Leeds not to be repaired by this Act.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees or their Successors to repair or amend any of the Streets of the Town of *Leeds*.

Deviation not to exceed One hundred Yards from the present Road without Consent.

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

L. Provided always, and be it further enacted, That the said Trustees in diverting, turning, altering, or improving any Part of the said Road under the Powers of this Act, shall not deviate more than One hundred Yards, of Three Feet each, from the present Line thereof, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; and provided also, that the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein first had and obtained.

Trustees may contract for the Purchase of Land.

LI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Grounds or Hereditaments to be taken or made use of by virtue of this Act, for the Purchase thereof or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, improving, varying, or altering the said Road, or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all Tenants in Tail or for Life, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and

Corporations and incapacitated Persons empowered to sell, &c.

all

all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat.

LII. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Road, and through which any Part of such Road is to be made, varied, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *York*; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever; and for the summoning and returning such Jury the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *York*, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees or any Five or more of them at such Time and

Damages to be settled by a Jury.

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

Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without shewing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

How Expences of the Jury shall be paid.

LIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by or on Behalf of the said Trustees before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said Riding, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose, by any Justice of the

Peace for the said Riding, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said Riding not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

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

LIV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to make, widen, divert, turn, and alter such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees or any Five or more of them shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and the Land constituting Part or Parts of

any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place, to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued or left unrepaired.

Old Roads to be sold or shut up.

LV. And whereas by reason of the Purchase which the said Trustees are empowered and authorized 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 are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road as aforesaid; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Pieces or Parcels of overplus Ground, or of such Pieces or Parcels of old Road (not being Common or Waste Land) as aforesaid, either together or in Parcels, and either by Public Sale or Private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten for the same, 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 overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons of whom the same shall have been purchased, or (as the Case may be) shall first offer such Piece or Pieces of old Road to the Person or Persons whose Lands or Premises shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree, (except with respect to or on account of the Price thereof), to purchase the same respectively, or an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said West Riding, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed, with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of overplus Ground or old Road, shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Five or more

Trustees empowered to sell overplus Grounds or old Road.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor, &c.

In case the Persons cannot agree, the Value to be determined by a Jury.

more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof in any Manner they may think proper, and the same shall be held by such Purchaser or Purchasers by or under the same Tenure as the same was held before the Purchase thereof by the said Trustees for the Purposes of this Act, or as the same would or might have been held if this Act had not been passed; and all Conveyances of such Pieces of old Road, being executed by any Five or more of the said Trustees, and enrolled with the Clerk of the Peace for the said West Riding, shall be good and effectual in Law to all Intents and Purposes.

Application of Compensation Money if amounting to 200l.

LVI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the

the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.*, and amounting to 20*l.*

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

Where under 20*l.*

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

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

LIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known

of the Court of Chancery on Motion or Petition.

known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

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

Court may order reasonable Expences to be paid by Trustees.

LXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and 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

be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to repair the Road.

LXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the said Road or any Part thereof, and any Footways and Paths on the Sides thereof, or for building or rebuilding, or repairing any Toll House or Toll Houses, Fence, Wall or Walls on or by the Sides thereof, or any Bridge or Bridges, or Culvert or Culverts thereon, out of any Waste or Common, or out of any common River or Brook in any Parish, Township, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, or Place within the said Riding, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the said Riding, or of the County or Place in which the Lands, Fields, or Grounds shall lie or be situate, (as the Case may be), search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for such Riding, County, or Place as aforesaid (as the Case may be), shall and may adjudge and determine to be reasonable; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Millweir or Dam, on any Account or Pretence whatsoever.

LXIII. And

Notice to be given before Materials taken.

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

Penalty on taking away Materials raised by Surveyors.

LXIV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered in any Lands, Fields, Grounds, Wastes, or Commons, Rivers, or Brooks, for the Repair or Use of the said Road, and any of the Purposes aforesaid, or shall get, raise, take, or carry away any Materials out of, or otherwise interfere with or obstruct the Working of any Pit or Quarry, which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Road, or any of the Purposes aforesaid, before the said Surveyor and Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made as to Materials for his or her own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, to be levied, recovered, apportioned, applied, and disposed of in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

No Gravel to be taken from the Grounds of the late Lady Irwin.

LXV. Provided always, and be it further enacted, That nothing in this Act contained shall empower any Person or Persons to dig for any Gravel in any Pit or Ground belonging to the said Marquess of *Hertford* in Right of the said Marchioness, lying on the South Side of *Temple Newsom* House and Park down to the River *Air*.

For removing Annoyances and Nuisances.

LXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made on any Part of the said Road by Timber, Wood, Stone, Carriages, Sawpits, or other Pits, Hovels, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing, and to turn or divert

any Watercourses, Gutters, Sinks, Conduits or Drains running into, along, or out of the said Road to the Prejudice thereof; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit or Watercourse adjoining or near to the said Road, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune cut or lop, at proper Seasons of the Year, any Shrubs or Bushes, or Branches of Trees growing on the said Road, or in the Hedges, Fences, or Banks adjacent thereto, (unless the same be an Ornament or Shelter to any House or other Building, or be in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees), and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Five Feet, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Ten Days after receiving Notice from the Surveyor so to do, or in case the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen or deepen such Watercourses, or Ditches, or to prune, cut or lop such Shrubs, Bushes or Branches, or to remove such Prunings, Cuttings or Loppings, or to reduce such Hedges in such Manner as the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of such Surveyor or Surveyors, or so near to such Time as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches, the Charges whereof (to be settled by the said Trustees, or any Two or more of them, or by any Justice of the Peace of the Riding, Liberty, or District where the same shall occur, by Writing under their or his Hands or Hand) shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour or cleanse, or to deepen, widen and enlarge any such Gutter, Ditch, Conduit, Drain or Watercourse, or to prune, cut or lop such Shrubs, Bushes, or Branches, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be recovered, levied, apportioned, applied and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, applied, and apportioned; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every such Person shall for every such Second or subsequent Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Expences and Charges thereby occasioned.

Penalty for erecting Encroachments on the Side of Roads.

LXVII. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch or other Fence, or any Part of such Road (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands made at a public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down

or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said Riding, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates to open inwards.

LXVIII. And be it further enacted, That from and after the passing of this Act no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the respective Hanging Posts shall be so far removed from the Centre of the said Road, so that no Part of such Gate respectively when opened shall swing or hang over any Part of the said Road; and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the said Road, cause such Gate to be hung so that the same shall not open outward or swing towards the said Road, whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the Riding or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum, not exceeding Five Pounds, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties.

Power to make Causeways and Drains.

LXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by the said Trustees, or any Three or more of them), to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Road, in such Manner as they shall think proper; and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Road, or across any of the Ditches, Watercourses or Drains where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow,

or

or ruinous Part of the said Road, (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such ruinous or narrow Part of the said Road be repairing or widening, and until such Time as it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said Riding, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive to all Parties.

Recesses to be made in the Sides of the Road for the Purposes of breaking Stone, &c. for Repairs.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor for the Time being, and such Person as he shall employ (such Surveyor being thereunto authorized by an Order in Writing for that Purpose, signed by the Majority of the Trustees present at the Meeting at which the Order is made) to make or cause to be made such and so many small Recesses or Inclosures along the Side of the said Road, in or upon any Commons, Grounds, or Fields (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) adjoining upon the said Road, as the said Trustees shall think necessary for the Purpose of storing or laying up and breaking of Stone and other Materials for the Repair of the said Road, that the Sides thereof may not be incumbered or rendered dangerous thereby, such Recesses or Inclosures to be fenced by the Trustees of the said Road, and not to contain more than Ten Perches, the said Trustees making Satisfaction for the same in such and the same Manner as is herein directed, where Land is taken or required for altering or diverting the said Road.

Road to be measured, and Mile Stones and Direction Posts, &c. to be set up.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall see fit, to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and also to set up and maintain Direction Posts and Boards on the principal Side-openings of the said Road, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and also to order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Road, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and from Time

to

to Time to cause the same to be cleansed and kept legible, and also to cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put up at the several Toll Houses to be erected by virtue of this Act.

Persons, &c. before liable to Repairs to continue so.

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

Statute Labour.

Justices to determine Differences touching Statute Work.

LXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County, Riding, or Place in which the said Road or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer (regard being had to the annual Expenditure and Disbursements of the respective Surveyors of the Public Highways and Turnpike Roads within such respective Townships, Parishes, or Places); and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, by their Order, 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 Surveyor or Surveyors of every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

Trustees may compound for Statute Work.

LXXIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes, Townships, or Places, in which the said Road lies, or with the Surveyor or Surveyors of such Parishes, Townships, or Places for a certain Sum of Money, by the Year or otherwise, as the said Trustees or their Surveyor or Surveyors by their Order 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 or 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 Township, or by the Person or Persons

so compounding, to the Treasurer or Treasurers of the said Trustees in advance, on or before the First Day of *March*, in each and every Year, or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, or Place, shall not be permitted to compound for that Year.

For enforcing the Payment of Composition Money.

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

Surveyors, &c. may recover the same.

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

Trustees may contract for making and repairing the Roads, &c.

LXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Road, or any Part thereof, and for erecting Mile or Direction Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors, and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties or Person or Persons failing in the Performance of such Contracts or Agreements respectively;

spectively; and such Sums of Money as shall be requisite for making or repairing the said Road, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding,

Penalty for damaging Mile Stones, &c. or riding upon or injuring Causeways, &c.

LXXVIII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Posts, Boards, Mile Stones, or Tables of Tolls on any Part of the said Road, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed by Order of the said Trustees, at or near to any of the said Turnpike Gates, or on any other Part of the said Road, or shall cause or procure the same to be done; or if any Person or Persons shall wilfully pull up, injure, or damage any other Posts, Rails, or Fences, now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset or any Part or Parts thereof, which the said Trustees by virtue of this Act are authorized to plant and keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected across the said Road, or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road to the Prejudice thereof, or shall wilfully drive any loaded Waggon along any Foot or Horse Causeway, being Part of or adjoining to the said Road, or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off any such Causeway or any other Part of the said Road; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or other Cattle, Sheep or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to the said Causeways; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned loose or to wander or stray, or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the

the said Road, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on the Left or Near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever on any Part of the said Road, or within Eighty Feet of the Centre of the said Road, or play at Football or any other Game on any Part or Parts of the said Road to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the Road as conveniently may be; or if any Person shall after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road or any Part thereof, the Stone or other Thing with which such Waggons, Wains, Carts, or other Carriages shall have been blocked or stopped; or if the Driver of any Waggon, Wain, Cart, or other such Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of the said Causeway, or wilfully or carelessly drive the Wheel of any Carriage against the same, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, apportioned and applied in Manner herein-after provided for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offender shall also pay to the said Trustees or their Treasurer or Treasurers, or one of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Cattle straying.

LXXIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, staying or lying about the said Road, or any Part thereof, or by the Sides thereof, it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees, or any Five or more of them, shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine or other Beast or Cattle so impounded pay the Sum of Ten Shillings to the Person impounding

pounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Five Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Recovery of Penalties and Forfeitures, and Application thereof.

LXXX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the said Riding, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such Case hereby fully authorized to administer) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, (if not otherwise directed to be applied by this Act) shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said Riding, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

LXXXI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers

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

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

Form of Conviction.

'West Riding of the County of *York*, (to wit:) } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and *A. B.* is convicted before of His Majesty's Justices of the Peace for the said Riding, by virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act, and specify the Offence, Time and Place when and where the same was committed, as the Case may be*]. Given under our Hands and Seals [*or*, my Hand and Seal] the Day and Year first above written.'

Proceedings not to be quashed for Want of Form.

LXXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, (if any,) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

LXXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Fourteen Days next after such Cause of Complaint shall arise, Appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County, Riding, or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County, Riding or Place, (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured, as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same; and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said Riding, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXV. 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 Fifteen Days Notice thereof shall be given to the Clerk to the said Trustees, norafter a sufficient a Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fifteen Days Notice thereof shall be given as aforesaid, or after a sufficient

Limitation of Actions.

sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, 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 Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants have or hath in any Case by Law.

Public Act.

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

Commencement and Continuance of this Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the passing thereof; and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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