ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xciv.

An Act for amending the Road from *Tadcaſter* to *Halton Dyal*, in the Weſt Riding of the County of *York*. [14th *June* 1819.]

WHEREAS an Act was paſſed in the Twenty-fourth Year of the Reign of His late Majeſty 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 His ſaid late Majeſty, the Road between *Selby* and *Leeds* is made a ſeparate 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 Sixteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act paſſed in the Twenty-fourth Year of the Reign of His Majeſty King George the Second,* [*Local.*]

24 G. 2.

16 G. 3.

so far as relates to repairing the Road from Tadcaſter *to* Halton Dyal, *in the Weſt Riding of the County of* York; And whereas another Act was paſſed in the Thirty-eighth Year of the Reign of His ſaid preſent Majeſty King
38 G. 3. *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 Two ſeveral Acts, one paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King* George *the Second, and the other in the Sixteenth Year of His preſent Majeſty, ſo far as the ſame relate to repairing the Road from* Tadcaſter *to* Halton Dyal, *in the Weſt Riding of the County of* York: And whereas the Truſtees of the ſaid Road between *Tadcaſter* and *Halton Dyal* 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 by the ſaid Acts is near expiring: And whereas the ſaid Road from *Tadcaſter* to *Halton Dyal* 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 Acts, ſo far as the ſame relate to the Road from *Tadcaſter* to *Halton Dyal*, are enlarged, and the Tolls increaſed: And whereas it will facilitate the Execution of the Purpoſes aforeſaid, if ſuch of the Powers and Proviſions of the ſaid Acts, relating to the ſaid Road from *Tadcaſter* to *Halton Dyal*, as ſhall be continued or amended, and the neceſſary additional Powers and Proviſions, were to be conſolidated and comprized in One Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts of the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, and of the Sixteenth and Thirty-eighth Years of the Reign of His preſent Majeſty King *George* the Third, ſo far as the ſame or any of them reſpectively relate to the ſaid Road from *Tadcaſter* to *Halton Dyal*, 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 *Tadcaſter* to *Halton Dyal*, in the 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 Acts, or any of them, on the ſaid Road, and of all Intereſt due and to grow due thereon, as fully and effectually to all Intents and Purpoſes, as if ſuch Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

Appointment of Truſtees.

II. And be it further enacted, That all His Majeſty's Juſtices of the Peace acting in and for the Weſt Riding of the County of *York*, the Honourable *Henry Laſcelles* commonly called Lord Viſcount *Laſcelles*, 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*, *Robert Bownas* Clerk, the Rector of *Barwick* in *Elmet* for the Time being, *John Blenkinſop*, *George Brook*, *Charles Coupland* the younger, *John Beethan 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 Dixon*, *John Deniſon*, *Davis Dunderdall*, *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* the younger, *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*, *Abraham Hobſon*, *John Holroyd*, *Joſeph Holroyd*, *Martin Hind*, *William Hartley*, (Tadcaſter), *John Hinchcliff*, *Stephen Iveſon*, *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*, *Maurice Logan*, *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 Morkhill*, *Robert Menzies*, *David Nell*, *Joſeph Oates*, *George Oates*, *Joſiah Oates*, *George Paley*, *Benjamin Pullan*, *John Pearſon*, *William Frankland Paley*, *Abraham Parkinſon*, *Thomas Benſon Peaſe*, *Robert Parkinſon*, *James Porter*, *Richard Pullan*, *Abram Rhodes*, *Thomas Shaw Bancroft Reade*, *John Reynolds*, *William Radford*, *William Rhodes* Clerk, (Tadcaſter), *John Raper*, *John Lamplugh Raper*, *Chriſtopher Smith*, *Henry Skelton*, *Thomas 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), the Honourable *Edward Stourton*, *Thomas William Trant*, *Thomas Thurſby*, *Thomas Tennant*, *James Tennant*, *John Gilby Uppleby*, *Edward Wilkinſon*, *Griffith Wright*, *Thomas Walker*, *George Walker*, *Chriſtopher Wilſon*, *William Walker*, *Ard Walker*, *John Wilſon* the younger, *Richard Wormald*, *Richard Walker*, *Bryan Wormald*, *Iſaac Wilſon*, *Abraham Wells*, *Jonathan Wilks*, *George Wray* Clerk, *Joſeph Wrigglesworth*, *Benjamin Wrigglesworth*, *Benjamin Winter*, *John Whitaker* Clerk, *John Wharton*, 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 *Tadcaſter* to *Halton Dyal*, and for otherwiſe putting this Act in Execution.

III. And

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 Ten in the whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified 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 Hand, delivered to the Clerk to the Truſtees, refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, to elect and appoint ſome other Perſon to be a Truſtee, in the Room of every Truſtee ſo dying or becoming diſqualified or refuſing to act; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, which Notice ſhall be inſerted in One or more of the *Leeds* Newſpapers at leaſt Seven Days previous to every ſuch Meeting, and alſo affixed on all and every the Turnpike Gates erected on the ſaid Road; and all and every Perſon and Perſons who ſhall be ſo elected and appointed, ſhall immediately upon ſuch Election and Appointment, be a Truſtee for the Purpoſes of this Act, and having taken the Oath hereby preſcribed, ſhall be veſted with the ſame Powers and Authorities for carrying this Act into Execution, as any Truſtee or Truſtees hereby nominated and appointed is or are veſted with.

Qualification of Truſtees.

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 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,* 'I 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

'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, then omit the Words* 'So help me GOD.']

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 of 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 County of *York*, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

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 *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 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

Meetings of Trustees.

Adjournments.

of the *Leeds* Newſpapers, at leaſt Five Days before the Day of ſuch intended Meeting, and on all and every the Turnpike Gates on the ſaid Road; 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 Six 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 Six 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 Aleration 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, and on all and every the Turnpike Gates on the ſaid Road, at leaſt Six 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.

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.

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, the Clerk, by an Order in Writing ſigned by Three or more Truſtees, (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting, by Advertiſement in one of the *Leeds* Newſpapers, and on all and every the Turnpike Gates on the ſaid Road, (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.

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 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 Evidence.

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

IX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time and 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, and 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.

Penalty for Refuſal of Inſpection.

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 and apppoint 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 entruſt 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 Place or Places 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

to the Report on which the ſame was grounded: Provided always, that the ſaid Committee 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 or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and from Time to Time remove any ſuch Officer or Officers, and on the Death or Removal of any ſuch Officer or Officers may appoint others in their Stead; and Eight Days Notice of the Intention of ſuch Appointment ſhall be given in One of the *Leeds* Newſpapers, 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.

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 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,

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 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 and 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 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*, 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.

For recovering Poſſeſſion of Toll Houſes.

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

lating 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 ſo collected and received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before 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 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; and no Action which ſhall be ſo brought ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of any ſuch Clerk, without the Conſent of the ſaid Truſtees; but that the Clerk to the Truſtees for the Time being 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, 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 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 and ſet up or build, or cauſe to be erected, ſet up and 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 or Weighing Machine, and to take in and incloſe on the Sides of the ſaid Road, ſuitable

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 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, Weighing Machines, Toll Houſes and other Houſes and Buildings, Conveniences, 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 and Proceedings whatſoever, whether Civil or Criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of "The Truſtees for repairing, amending, widening, diverting, altering, improving, and keeping in repair the Road from *Tadcaſter* to *Halton Dyal*, in the Weſt Riding of the 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 Twelfth Day of *October* One thouſand eight hundred and nineteen, 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 to be taken for Horſes, &c. drawing Coaches, &c.

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, if drawn by Six Horſes or Beaſts of Draught, at the firſt Gate or Turnpike which ſuch Horſe or Beaſt of Draught

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 Seven-pence; and if drawn by Four Horſes or Beaſts of Draught, the Sum of Sixpence for each Horſe or Beaſt of Draught; and if drawn by Two Horſes or Beaſts of Draught, the Sum of Sixpence 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 Gate or Turnpike through which ſuch Coach, Chariot, Landau, Berlin, Curricle, Phaeton, Chaiſe, Calaſh, Caravan, Hearſe, Litter, or 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 Six Horſes or Beaſts of Draught, the further Sum of Three-pence for each Horſe or Beaſt of Draught; and if drawn by Four Horſes or Beaſts of Draught (or leſs), the further Sum of Four-pence for each Horſe or Beaſt of Draught:

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

For every Horſe or Beaſt of Draught, drawing any Stage Coach or Diligence, if drawn by Six Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike, 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 Four Horſes or Beaſts of Draught (or leſs), the Sum of Sixpence for each Horſe or Beaſt of Draught: And at the Second Gate or Turnpike, 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 Six Horſes or Beaſts of Draught, the Sum of Three-pence for each Horſe or Beaſt of Draught; and if drawn by Four Horſes or Beaſts of Draught (or leſs), the further Sum of Four-pence for each Horſe or Beaſt of Draught:

For Horſes, &c. drawing Waggons, &c. with Wheels of leſs Breadth than Six Inches, not going for or laden with Coals.

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, Cart or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, not going for or laden with, or returning empty after having been laden with Coals only, if drawn by Four Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike which every 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 Three Horſes or Beaſts of Draught (or leſs), the Sum of Eight-pence for each Horſe or Beaſt of Draught: And at the Second Gate or Turnpike 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 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 (or leſs), the further Sum of Four-pence for each Horſe or Beaſt of Draught:

For Horſes, &c. drawing the like Waggons, &c. going for or laden with Coals.

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, Cart or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, going empty for or laden with, or returning empty after having been laden with Coals, if drawn by Four Horſes or Beaſts of Draught, at the Firſt Gate or Turnpike 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 Three Horſes or Beaſts of Draught, the Sum of Seven-pence for each Horſe or Beaſt of Draught; and if drawn by Two Horſes or Beaſts of Draught (or leſs), the Sum of Eight-pence for each Horſe or Beaſt of Draught: And at the Second Gate or Turnpike 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 Horses or Beasts of Draught (or less), the further Sum of One Penny for each Horse or Beast of Draught:

For Horses, &c. drawing Waggons, &c. with Wheels of the Breadth of Six Inches or more, not going for or laden with Coals.

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart or other such like Carriage, with Wheels of the Breadth of Six Inches or more, not going for or laden with, or returning empty after having been laden with Coals only, at the First Gate or Turnpike which every such Horse or Beast of Draught drawing any such Waggon, Wain, Cart or other such like Carriage, shall pass, if drawn by Five or more Horses or Beasts of Draught, the Sum of Seven-pence; and if drawn by Four Horses or Beasts of Draught, the Sum of Sixpence for each Horse or Beast of Draught; and if drawn by Three Horses or Beasts of Draught, the Sum of Sixpence for each Horse or Beast of Draught; and if drawn by Two Horses or Beasts of Draught, the Sum of Five-pence for each Horse or Beast of Draught; and if drawn by only One Horse or Beast of Draught, the Sum of Sixpence: And at the Second Gate or Turnpike through which such Waggon, Wain, Cart or other such 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 Five or more Horses or Beasts of Draught (or less), the further Sum of Three-pence for each Horse or Beast of Draught:

For Horses, &c. drawing the like Waggons, &c. going for or laden with Coals.

For every Horse or Beast of Draught, drawing any Waggon, Wain, Cart or other such like Carriage, with Wheels of the Breadth of Six Inches or more, going empty for or laden with, or returning empty after having been laden with Coals only, at the First Gate or Turnpike which every such Horse or Beast of Draught drawing any such Waggon, Wain, Cart or other such like Carriage shall pass, if drawn by Five or more Horses or Beasts of Draught, the Sum of Seven-pence; and if drawn by Four Horses or Beasts of Draught (or less), the Sum of Sixpence for each Horse or Beast of Draught: And at the Second Gate or Turnpike 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), the further Sum of One Penny for each Horse or Beast of Draught:

For every Horse, &c. not drawing.

For every Horse, Mule or Ass, laden or unladen and not drawing, at the First Gate or Turnpike through which any such Horse, Mule or Ass shall pass, the Sum of Two-pence: And at the Second Gate or Turnpike, (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:

For every Drove of Cattle.

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 *per* Score, and so in proportion for any greater or less Number: And at the Second Gate or Turnpike, (on a Ticket being produced, denoting the Payment of Toll the same Day at such First Gate or Turnpike), the further Sum of Eight-pence *per* Score, and so in proportion for any greater or less Number: And,

For every Drove of Calves, &c.

For every Drove of Calves, Swine, Sheep or Lambs, at the First Gate or Turnpike through which such Drove of Calves, Swine, Sheep or Lambs shall pass, the Sum of Eight-pence per Score, and so in proportion for any greater or less Number: And at the Second Gate or Turnpike, (on a Ticket being produced, denoting the Payment of Toll the same Day at such

ſuch Firſt Gate or Turnpike), the further Sum of Four-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.

Proviſion as to Oxen, &c.

Proviſion for Lighters attached to Waggons, &c.

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

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

XXII. 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.

Tickets to be printed.

XXIII. 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

Tolls may be diſtrained for.

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;

XXIV. Provided always, and be it further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons 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), with the ſame Horſes, Cattle, Beaſts or Carriages, through any One of the ſaid Gates or Turnpikes; and that all and every Perſon and Perſons having paid ſuch reſpective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof, 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, 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.

except by Stage Coaches, &c. which are to pay Toll every Time they paſs.

XXV. Provided always nevertheleſs, and be it further enacted, That the Benefit of Exemption from the Payment of the Tolls hereby granted more than Once on the ſame Day ſhall not extend or be conſtrued to extend to any Stage Coach or other Public Carriage whatſoever, although the ſame ſhall return and repaſs with the ſame Horſes; nor to any Coach, Chaiſe, or other ſuch Carriage, which ſhall return and repaſs with different Horſes; any thing herein contained to the contrary notwithſtanding.

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

XXVI. Provided alſo, and be it further enacted, That no more than Two Tolls in the whole ſhall be 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, ſave and except by Stage Coaches or other Public Carriages, or by any Coach, Chaiſe, or other ſuch Carriage, which ſhall return and repaſs with different Horſes.

XXVII. Provided

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

XXVII. 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 present 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.

To prevent Evasion of Tolls.

XXVIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Road, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family 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, 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 avoided; or if any Person not having paid the said Toll shall offer or produce and use any such Ticket with Intent to 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, (over and besides such Damage and Punishments as he, she, or they shall otherwise be liable to by Law), to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and it shall be lawful for the said Trustees or any Five or more of them, if they shall think it necessary in order to prevent the Evasion of Toll, to erect any Gate or Stile across any Lane or Way leading into the said Road; but the Erection of any such Gate or Gates shall not extend to create an additional Payment of Toll; and if any Person shall pull up, pull down, displace or damage any Hedge, Wall, Bank, Ditch, Gate or Stile, such

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.

Disputes concerning Tolls to be settled by a Justice.

XXIX. 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.

XXX. 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, and in all civil and criminal Proceedings whatsoever, relating to the said Road or any Part thereof, 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.

XXXI. 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.

XXXII. 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, 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.

XXXIII. 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 from 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 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

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, Townships, 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, Townships, or Place, or going to or returning from the Funeral of any Person who shall die and be buried in any such Parish, Townships 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, or going to be sold or disposed of, but passing to be laid up in the Houses, Out-houses, 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, or any Corn, Grain or Grist, to or from certain Mills called *Tadcaster Mills*, nor for any Horse, Beast or Cattle going to 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, Townships 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, Beast or Cattle, Waggon, Wain, Cart or other Carriage, employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Brick, Lime, Timber, Wood, Gravel or other Materials for repairing certain Mills called *Tadcaster Mills*, or the Dams or Weirs thereto belonging; nor for any Horse, Cattle, Beast or Carriage, going no more than One hundred Yards upon the said Road; and if any Person shall, by any fraudulent or collusive means whatsoever, claim or take the Benefit

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: 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 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, such and the like Tolls as are by this Act imposed upon 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, or upon the Horses drawing such Waggons, Wains, Carts or other Carriages; any thing in this Act or in any other Act or Acts of Parliament contained to the contrary thereof in anywise notwithstanding.

Penalty on fraudulently taking Benefit of Exemptions.

Discontinuing some Exemptions for certain Months in the Year.

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 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.

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

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

Tolls may be lessened, &c.

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 be then 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 and Agreements and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; and if the said Trustees, at any such Meeting for letting the said Tolls shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a real *bonâ fide* and an advantageous Competition for the same; and at such Letting the Trustees present shall have and be entitled to One 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,

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 and 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; or in caſe ſuch Leaſe or Agreement 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 the ſaid Truſtees, or by any Perſon by them appointed on their behalf, by Warrant under his Hand and Seal, 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

the ſaid Truſtees, or other Perſons acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls 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 Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract or Agreement had been made relative thereto.

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 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 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

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 Twenty-fourth Year of the Reign of King *George* the Second, and the Sixteenth and Thirty-eighth Years of the Reign of His preſent Majeſty King *George* the Third, ſo far as the ſame relate to the Road from *Tadcaſter* to *Halton Dyal*, ſhall, immediately on the Commencement of this Act, be veſted in the Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are hereby enabled to recover the ſame, and for that Purpoſe to cauſe to be commenced and proſecuted all Actions and Suits at Law or in Equity, in the Name of their Clerk for the Time being, and to act in reſpect thereof, as effectually as if the ſame had become due to or had been veſted in them under and by virtue of this Act, or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the Truſtees under the ſaid recited Acts as aforeſaid, by virtue of any Deed or Specialty, ſhall or may be ſued for and recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed or Specialty ſhall have been ſo made or entered into, at the Option or Election of the Truſtees named or to be appointed by virtue of this Act; and that all the Coſts to be incurred by the Truſtees or Perſons in whoſe Names ſuch 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.

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

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 and Duties 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 In-

Power to borrow Money, and to aſſign Tolls.

ſtrument 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 Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], 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, or 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 Pounds *per Centum per Annum* ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all ſuch Mortgages 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),

Form of Transfer.

'I being entitled to the Sum of ſecured to Executors, Adminiſtrators and Aſſigns, by virtue of a Mortgage or Aſſignment, dated the Day of in the Year of our Lord under the Hands and Seals of of the Truſtees acting in Execution of an Act paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second; *or*, of an Act paſſed in the Sixteenth Year of the Reign of His preſent Majeſty King *George* the Third; *or*, of an Act paſſed in the Thirty-eighth Year of the Reign of His ſaid preſent Majeſty King *George* the Third; *or*, of an Act paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, [*as the Caſe may be*], [*here inſert the Title of the Act*] upon the Credit of the ſaid Act, do hereby transfer, aſſign, and ſet over all my Right and Title in and to the ſame,

'and all the Principal and Interest Money now due and owing thereon,
'unto Executors, Administrators, and Assigns. Dated
'this Day of in the Year of our Lord
'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, 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 and 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 by the said former Acts or any of them,

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

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.

XLVIII. Provided always, and be it further enacted, That the said Trustees, in diverting, 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, 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

XLIX. 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,

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 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.

the Purchase of Land.

Corporations and incapacitated Persons empowered to sell, &c.

L. 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

When Persons neglect or refuse to treat.

Damages to be settled by a Jury.

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

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

How Expences of the Jury ſhall be paid.

LI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained than 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, 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; 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 to him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the 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.

LII. 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, 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

tions 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 stopped up or sold.

Trustees empowered to sell overplus Grounds or Old Road.

LIII. 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 shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said 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, 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

When Pieces of Lands are to be sold, the first Offer to be made to the original Proprietor.

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

of

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 of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof, 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 passed; and all Conveyances of such Pieces of Old Road as shall be adjoining to Lands of Freehold Tenure, 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; and all such Pieces of Old Road as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees, or any Five or more of them, by Surrender or other Conveyance, sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Pieces of Road and Premises.

Application of Compensation if amounting to 200l.

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

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

LV. 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 20l.

LVI. 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 of the Court of Chancery, on Motion or Petition.

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

LVIII. 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

fully 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.

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

LX. 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 ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate, (as the Caſe may be), to be made upon the Application of the ſaid Truſtees, or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, where the ſame may be had or found,

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 same 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, Mill-weir or Dam, on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

LXI. 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 shew 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 carryaway 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.

LXII. 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.

For removing Annoyances and Nuisances.

LXIII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to remove and prevent all Nuisances and Annoyances 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 down, or lop, at proper Seasons of the Year, any Branches, Shrubs or Bushes growing on the said Road, or in the Hedges, Fences or Banks adjacent thereto, so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees, and to take and carry away the Prunings or Loppings thereof, 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, or the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes or Lops, or reduce such Hedges in such manner as the 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 thereto 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 Five 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 down, or lop such Branches, Shrubs, or Bushes, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be 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 En-

LXIV. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to

be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Fifteen Feet from the Middle or Centre 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 Offenders Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand. Encroachments on the Side of Roads.

LXV. And be it further enacted, That 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 Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch 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. Gates to open inwards

LXVI. 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 Power to make Cauſeways and Drains

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 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.

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

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, 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 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.

LXVIII. 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 have or hath uſed, or of Right ought to

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 they and every of them have or hath heretofore uſually been or would have been in caſe this Act had not been paſſed.

Statute Labour.

Juſtices to determine Differences touching Statute Work.

LXIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall 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; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, 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 and 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 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.

LXX. 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.

LXXI. 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.

LXXII. 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.

LXXIII. 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 or 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 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; and ſuch Sum or 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 Mileſtones,

LXXIV. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall wilfully pull up, injure, or damage any of the ſaid Poſts, Boards,

&c. or riding upon or injuring Cauſeways, &c.

Boards, Mileſtones or Tables of Tolls, 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, whilſt the ſame ſhall be under the Care of the ſaid Truſtees, or their Surveyor or Surveyors, 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 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 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 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, or play at Football or any other Game on any Part or Parts of the ſaid Road to the Annoyance of any Paſſenger

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 or 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 Forty Shillings for every ſuch Offence, to be levied, recovered, apportioned and applied in manner hereinafter 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.

LXXV. 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, ſtraying, 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, Tything 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 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;

LXXVI. 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

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 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.

and Application thereof.

For ſecuring tranſient Offenders.

LXXVII. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors or other Officers), who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace for the ſaid Riding, near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended; and ſuch Juſtice 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; or, in default of any ſpecial Proviſion herein applicable to the Offence, then ſuch Offender to be puniſhed according to any exiſting Law applicable to the Caſe.

LXXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the 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 *A. B.* is convicted before of His Majesty's Justices of the Peace for the said Riding, by virtue of an Act of the Fifty-ninth Year of the Reign of King *George* the Third, 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.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXX. 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

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.

Limitation of Actions.

LXXXI. 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, nor after sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County 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

General Issue.

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 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.

Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXXII. 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.

LXXXIII. 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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