

ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxviii.

An Act for repairing and maintaining the Road from *Wakefield* to *Austerlands*, in the West Riding of the County of *York*. [8th *July* 1820.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *George* the Second, intituled *An Act for repairing the Road from* Wakefield *to* Austerlands, *in the West Riding of the County of* York: And whereas another Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act made in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, for repairing the Road from* Wakefield *to* Austerlands, *in the West Riding of the County of* York: And whereas another Act was passed in the Fortieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts made in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, and in the Eighteenth Year of the Reign of His present Majesty, for repairing the Road from* Wakefield *to* Austerlands, *in the West Riding of the County of* York: And whereas the Trustees appointed in or by virtue of the said Acts, for surveying, ordering, enlarging, amending, and repairing, and keeping in Repair the Road leading from the Town of *Wakefield*, in the West Riding of the County of *York*, through the Towns of

32 G. 2. c. 48.

18 G. 3. c. 85.

40 G. 3. c. 18.

Horbury, *Netherton*, *Overton*, *Lepton*, *Almondbury*, *Huddersfield*, *Marsden* and *Saddleworth*, to *Austerlands*, in the said County, and for widening, turning, diverting, and altering the same, have proceeded in the Execution of the said Acts, and have borrowed at Interest several considerable Sums of Money, on the Credit of the Tolls authorised to be collected upon the said Road, and which Money still remains due and owing, and the Term granted by the said Acts is near expiring: And whereas the said Road, and the Diversions thereof lately made, and those now in Progress, cannot be effectually amended, completed, and kept in Repair, nor can the Money so borrowed be repaid, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased: And whereas it will facilitate the Execution of the Purposes aforesaid, if the said Acts were repealed, and if such of the Powers and Provisions of the said Acts, as shall be continued, or amended, were consolidated and comprized in one Act, and if further Powers and Provisions were granted and made: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and of the Eighteenth and Fortieth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby repealed, and that this Act shall commence and take Effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of repairing, amending, completing, diverting, altering, improving, and maintaining in Repair, the said Road from *Wakefield* to *Austerlands*, 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 authorised 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 authorised 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 for the West Riding of the County of *York*, together with Sir *George Armytage* Baronet, *John Armytage*, *Henry Armytage*, *Law Atkinson*, *Edward Atkinson*, *Joseph Atkinson*, *Joseph Atkinson* the younger, *Henry Atkinson*, *Thomas Atkinson*, *Charles Atkinson*, *Thomas Allen*, *Joseph Armitage* of *Millsbridge House*, *George Armitage*, *Joseph Taylor Armitage*, *Francis Dukinfield Astley*, *Thomas Atkinson* Clerk, *Benjamin Haigh Allen*, *John Allen*, *John Armitage* of *Woodhouse*, *Joseph Green Armytage*, *Benjamin Green Armytage*, *William Green Armytage*, *Joe North Green Armytage*, *John Archbell*, *William Armitage Archbell*, *Thomas Armitstead*, *Thomas Anderson*, *Henry Alexander*, *John Atkinson*, *George Addinell* of *Tadcaster*, *Jonas Ainley*, *George Addy*, *Thomas Wentworth Beaumont* and *William Beaumont* of *Bretton Hall*, *Joseph Brook*, *Thomas Richard Beaumont*, *Robert Rockley North Batty*, *John Blackburn*, *Thomas Blackburn*, *John Brook* of *Huddersfield*, *Daniel Battye*, *William Walker Battye*,

Daniel Coosland Battye, William Battye, John Booth, John Bostock, John Buckley of *Chester, John Booth* of *Huddersfield, James Buckley, George Bramall, Edward Brown, Nicholas Brown, Nicholas Brown* the younger, *John Bradley* of *Newhouse, James Bradley* Doctor of Medicine, *Joseph Beaumont, John Beaumont, Timothy Bentley, James Brook, Jonas Brook, Joseph Brook, Thomas Brook, Charles Brook, William Brook* of *Henley, John Brook* of *Aldmondbury, William Brook* the younger, *Charles Horsfall Bill* of *Strothes Hall, James Bennett* of *Almondbury, Samuel Brook* of *Mirfield, John Brook* of *Dewsbury, Godfrey Berry, John Berry, Godfrey Berry* the younger, *William Brook* of *Huddersfield, Francis Beaumont, Thomas Bayldon, John Carr, Robert Carr, Francis Carr, Robert Chaloner, Joshua Crosland, James Crosland, William Crowder, Abraham Clegg, John Clegg,* Timber Merchant, *Jeremiah Clifford, John Coates* Clerk, *Richard Clay, Richard Clay* the younger, *John Clay* of *Rastrick, Bradley Clay, Daniel Creswell, William Cooper* of *Fixby, John Cooper, William Cliffe, William Craven, John Coe, John Dobson, John Richard Dobson, Thomas Hague Dobson, William Dobson, William Beevers Dobson, Bartholomew Dacre* Clerk, *Thomas Dinsley, Samuel Dawson, William Dawson, John Dyson* of *Newhouse, John Dyson* the younger, *William Dawson, William Dawson* the younger, *William Earnshaw* of *Rastrick, Francis Fawkes, Robert Firth, Thomas Firth, James Fox* of *Bramham Park, George Lane Fox, William Augustus Lane Fox, Sackville Walter Lane Fox, Thomas Lane Fox, Joseph Firth* of *Toothill, Thomas Firth* of *Toothill, John Fisher, John Fisher* the younger, *Samuel Fenton, Lewis Fenton, Frederick William Foster, John Firth* of *Lane Head, John Firth* the younger, *Joseph Fryer, John Fryer* of *Rastrick, James Fenton, Joshua Foster, Thomas Foster, William Gill, John Grimshaw, Abraham Greenwood, Abraham Greenwood* the younger, *Richard Greenwood, John Greenwood, Edward Greenwood, John Gartside, Thomas Greenwood, Francis Greenwood, John Goodhall, John Horsfall, Mark Horsfall, Thomas Holroyd, Jeremiah Houghton, Edward Hawxby, John Hawxby, Joseph Haigh, Thomas Hardy, Abraham Horsfall* Clerk, *John Horsfall* the younger, *Joseph Harrop, John Harrop* of *Dobcross, John Haigh* of *Spring Wood, John Hannah, Robert Haigh, Isaac Harrop, Edward Hobson, John Heald, John Halliley, John Halliley* the younger, *Edward Halliley, James Halliley, William Margetson Heald, John Hutchinson, Abel Hyde, Joseph Harrop* and *James Harrop* of *Grasscroft, Joseph Harrop* of *Tamewater, Charles Harrop, Thomas Haigh* of *Slaithwaite, Thomas Hastings, Frederick Hudson, Banks Hudson, Benjamin Hudson, Brook Houghton, William Houghton, Samuel Houghton, Benjamin Ingham* of *Lockwood, Joshua Ingham, James Ingham* of *Mirfield,* Sir *John Lister Kaye* Baronet, *John Lister Kaye, George Lister Kaye, Arthur Lister Kaye, Henry Lister Kaye, John Kitson* of *Mirfield, James Knight, Jasper M'Kean, George Kelsey, John Lowe* Clerk, *John Lockwood* of *Coldersley, Richardson Lockwood, Benjamin Lockwood, Crosley Lockwood, George Lockwood, Thomas Lockwood, Abraham Lockwood, Thomas Lockwood* the younger, *Henry Lees, James Lees* and *William Lees* both of *Clarksfield, John Lees* of *Fairfield, John Lees* of *Oldham, Joseph Lees, John Lee* of *Wakefield, Tottenham Lee, Thomas Lee, Thomas Lee* the younger, *Abraham Lees, James Lees* of *Almondbury, William Edward Ledgard, William Livingston, John Lees* and *John Lees* the younger of *Huddersfield, James Campey Laycock, James Lees* and *Edward Lees* of *Delph Lodge, Thomas Marshall,*

Marshall, *Marshall*, *Jeremiah Marshall*, *Daniel Maude*, *John Maude*, *Francis Maude*, *Francis Maude* the younger, *Ralph Maude*, *Abraham Firth Macaulay*, *Abraham Mallinson*, *James Midwood*, *James Midwood* the younger, *George Marriott*, *Henry Maddocks* Clerk, *John Naylor*, *Jeremiah Naylor*, *Henry Nelson*, *John Ness*, *John Ness* the younger, *William North*, *Sydney Norris*, *Tottenham Naylor*, *George Oxley*, *James Ogden*, *Amos Ogden*, *Charles Pickford*, *Samuel Philips*, *William Pickering*, *John Pulleine*, Sir *John Ramsden* Baronet, *John Ramsden*, Sir *Joseph Pickford Radcliffe*, *John Radcliffe*, *Jonathan Roberts*, *Richard Roberts*, *Edward Taylor Roberts*, *Jonathan William Roberts*, *John Roberts* of *Linfits*, *Thomas Rishworth*, *Thomas Rishworth* the younger, *John Radcliffe* of *Stonebreaks*, *John Roberts* of *Blackmoor Foot*, *James Roberts*, *George Roberts*, *Joseph Roberts*, *Joseph Roberts* the younger, *William Railton* Clerk, *William Robinson*, *John Mills Ridgway*, *Tristram Ridgway*, *William Robinson* Clerk, *Daniel Robinson*, *George Robinson*, *Joseph Rushforth* of *Elland*, *Henry Rushforth*, *John Rayner*, *William Rayner*, *Robert Rayner*, *Joseph Rhodes*, *Henry Stables*, *Walter Williams Stables*, *Thomas Shaw* of *Furlane*, *Joseph Scott* of *Badsworth*, *John Sutcliffe*, *Giles Shaw*, *Edward Sykes* of *Thornhill*, *Cookson Stephenson*, *William Stocks*, *William Stephenson*, *George Senior*, *Joseph Senior*, *Richard Stanfeld* of *Flockton*, *Peter Stilfox*, *John Scholefield* of *Horbury*, *Matthew Sykes*, *John Sykes*, *John Starkey*, *Thomas Starkey* of *Longroyd Bridge*, *Thomas Starkey* of *Huddersfield*, *William Snowden* Clerk, *Abraham Sanderson*, *John Shackleton*, *Joseph Scott* of *Wakefield*, *Thomas Smith*, *Thomas Smith* the younger, *Thomas Thornhill*, *George Tinker*, *John Taylor*, *John Tinker* of *Carr*, *Joseph Taylor*, *William Taylor*, *Joseph Tolson*, *James Taylor* of *Walkers*, *William Turnbull* Doctor of Medicine, *William Taylor*, *John Taylor*, *James Archibald Stuart Wortley*, *Godfrey Wentworth Wentworth*, *John Whitacre*, *Henry Whitehead* of *Dobcross*, *Joseph Walker*, *Samuel William Walker*, *William Buttle Walker*, *Joseph Samuel Walker* of *Lassells Hall*, *Samuel Walker*, *John Kenworthy Walker* Doctor of Medicine, *Samuel Walker* of *Mirfield*, *Benjamin Wilson*, *William Wilkes*, *Charles Wheatley*, *Joseph Wheatley*, *Hugo Worthington*, *John Winterbottom*, *William Winterbottom*, *Samuel Wood* of *Slaithwaite*, *Edmund Walker* of *London*, *Samuel Wood* and *John Wood* of *Dalton*, *John Whitaker*, *Richard Walshaw*, *Robert Walshaw*, *George Westerman*, *Thomas Walker* of *Whitley*, *Tedbar Tinker*, *John Tinker* of *Shelley*, and *Elihu Dickinson*, and their Successors, to be elected as hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing, amending, completing, diverting, altering, improving and keeping in Repair the said Road, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

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

IV. And

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 any Two or more of the said Trustees, or by the Clerk to the said Trustees, by inserting such Notice in the *Wakefield* and *Leeds* Newspapers, some or One of them, or such other Newspapers circulating in the Neighbourhood as such Trustees shall from Time to Time appoint, and by affixing the same on all and every the Turnpike Gates erected on the said Road, at least Seven Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be a Trustee 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 hereinafter 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 Two hundred Pounds, or be possessed of a personal Estate alone, or real and personal Estate together, 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 authorised 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 Enjoy-'ment of, or in the Receipt of Rents and Profits issuing out of, Free-'hold or Copyhold Lands, Tenements, or Hereditaments of the clear 'yearly Value of One hundred Pounds above Reprises [*or*, am 'possessed of a personal Estate alone, or real and personal Estate 'together, of the Value of Four thousand Pounds] [*or*, am Heir 'apparent of who to the best of my Knowledge 'is seised of a real Estate in Freehold or Copyhold Lands, Tenements, 'or Hereditaments of the clear yearly Value of Two hundred Pounds,] '[*as the Case may happen.*] So help me God.'

[*or*, being a *Quaker*, 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 Contracts, 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 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 personally 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.

Meetings of Trustees.

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 *George Inn* in *Huddersfield* on the Third *Thursday* 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 and 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 sooner than Seven Days from the last Meeting or last intended Meeting, and shall give at least Five clear Days Notice of such adjourned Meeting

Adjournments.

Meeting in such Newspaper or Newspapers as aforesaid, and also 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 at least Six clear Days Notice to be inserted in such Newspapers as aforesaid, and also on all and every the Turnpike Gates on the said Road, 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 sooner 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 Ten of the Clock in the Forenoon and Six of the Clock in the Afternoon; and all Acts, Orders, Proceedings, and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings consisting of Five or more Trustees, to be held in pursuance of this Act, and not otherwise (except in Cases hereby particularly provided for); and all such Acts, Orders, Proceedings, and Determinations, in which the major Part of such Five or more of the Trustees, present at any such Meeting shall concur, shall be as valid and effectual as if all the Trustees for executing this Act 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 where 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.

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.

VII. And be it further enacted, That no Order or Resolution, Determination or Proceeding of the Trustees, made and signed according to the Directions of this Act, shall afterwards be altered, revoked, repealed, or set aside by any subsequent Act, Order, Resolution, Determination, or Proceeding of the Trustees, unless at some Special Meeting of the said Trustees to be held for that Purpose, of which Meeting Twenty-one Days Notice shall have been given by any Two or more of the said Trustees, or by the Clerk to the said Trustees, in such Newspaper or Newspapers as aforesaid, and also by Notice in Writing, affixed upon all the Toll Gates then erected on the said Road, at least Ten Days previous to such Meeting, every such Notice specifying the Purpose of such Meeting; nor shall any such Alteration, Revocation, or Repeal be made unless a Majority of the Trustees present at the Meeting (such Meeting to consist of Seven at the least) shall concur therein.

No Order or Determination to be revoked or altered unless at a Special Meeting.

VIII. 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 have been adjourned, it shall and may be lawful to and for any Two or more of the said Trustees, and to and for the Clerk, by an Order in Writing, signed by Three or more Trustees (although not assembled at a Meeting), to appoint the Time and Place, and to state the Purpose of such Meeting,

Meetings on Emergencies.

Meeting, and to give Notice of such earlier Meeting, by Advertisement in such Newspapers as aforesaid, and on all and every the Turnpike Gates on the said Road (such Time being not sooner than Three clear 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.

IX. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being; in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said recited Acts, and made Evidence thereby, and the Book or Books hereinafter 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.

X. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall, at all seasonable Times, be open to the Inspection of the said Trustees and any Creditor or Creditors of the Tolls without Fee or Reward; and the said Trustees and Creditors, 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, or the Person or Persons who shall have the Care or Custody of such Book or Books 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 or Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in manner hereinafter provided.

Penalty for Refusal of Inspection.

Trustees may appoint Committees.

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

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

Appointment of Officers.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and may 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 clear Days Notice of the Intention of such Appointment shall be given in one of the *Wakefield* or *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 authorised 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 also to 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.

XIII. 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 thereform 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.

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

Trustees to appoint temporary Collectors.

XV. 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 a 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 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, signed 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 any Three or more of them, 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 Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their

For recovering Possession of Toll Houses.

Goods out of the same, and to put the said Trustees, or any One of them, or their new appointed Officer, into the Possession thereof.

Officers to account,

XVI. And be it further enacted, That all Officers and other Persons who are or shall be continued or appointed or employed 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, or the former Act or Acts hereby repealed, 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 refuse to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Persons or Person as they or any Five or more of them shall appoint, within Fourteen Days after being thereunto required by them or him, 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 authorised in their Behalf, such Justice may and he is hereby authorised 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 shown 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 same 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 authorised and required, upon Nonpayment thereof,

and pay over Balances.

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 authorised 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 sufficient 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.

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

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

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees, but that the Clerk or the Trustee in whose Name such Action or Suit shall

shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or 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, and Weighing Machines.

XIX. 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 Outbuildings 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 Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, 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.

XX. 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 for the Purposes of this Act, 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, Bars, Chains, Rails, Fences, Toll Houses, and other Houses, Buildings, Conveniences, or Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees, or their Agents or Servants in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees for repairing and maintaining the Road from *Wakefield* to *Austerlands*, in the West Riding of the County of *York*," without naming or otherwise describing the said Trustees.

Former Tolls repealed, and others granted.

XXI. And be it further enacted, That the following Tolls shall be demanded and taken at each and every or any of the Toll Gates erected or to be erected upon the said Road, from the Junction of the present Road to the *Wakefield* and *Halifax* Turnpike Road, to a certain Place in the Township of *Huddersfield* called *The Shore*, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, Beast, or Carriage hereinafter specified, shall be permitted to pass through any such Toll Gate; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Chaise, Waggon, Cart or other Carriage, the Sum of Four-pence:

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or lesser Number:

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

Tolls to be taken between The Shore, in Huddersfield, and Austerlands.

And at each every or any of the Toll Gates erected or to be erected upon the said Road, between a certain Place in the Town of *Huddersfield* called *The Shore*, and the Township of *Austerlands*, the Tolls following; (that is to say,)

For every Horse, Mule, or other Beast, drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, the Sum of Four-pence:

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or lesser Number:

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

Which said several and respective Tolls are hereby vested in the said Trustees, and shall be by them applied and disposed of for the Purposes of this Act.

XXII. And

Tickets to be printed.

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.

Tolls may be distrained for.

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 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.

Horses, &c. to be allowed to pass once along the whole Line from the Junction with the Wakefield, &c. Road and The Shore.

XXIV. Provided always, and be it further enacted, That no more than Four full Tolls granted by this Act shall be demanded or taken for or in respect of the same Horse or Horses, Mule or Mules, or other Beast or Beasts drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, or for or in respect of the same Horse, Mule, or Ass laden or unladen, and not drawing, or for or in respect of the same Drove of Oxen, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing once along the whole Line of the said Portion of Road lying between the Junction of the present Road to the *Wakefield* and *Halifax* Turnpike Road, and the said Place in the Township of *Huddersfield* called *The Shore*.

Horses, &c. drawing and not passing along the whole Line, to be allowed

XXV. Provided also, and be it further enacted, That in all Cases where the full Toll in respect of any Horse or Horses, Mule or Mules, or other Beast or Beasts drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, not passing along the whole Line of the said Portion of Road lying between the Junction of the present Road

after Payment of Four Tolls to pass for half Toll.

Road to the *Wakefield* and *Halifax* Turnpike Road and the said Place in the Township of *Huddersfield* called *The Shore*, shall have been paid Four Times in any one Day, then One-half only of the Toll by this Act granted shall be demanded or taken on the same Day for or in respect of such Horse or Horses, Mule or Mules, or other Beast or Beasts so drawing, for afterwards passing through the Gate or Gates at which such full Tolls shall have been so paid in respect of the same.

Horses, &c. to be allowed to pass once along the whole Line from Huddersfield to Austerlands for Four full Tolls in the whole.

XXVI. Provided always, and be it further enacted, That no more than Four full Tolls granted by this Act shall be demanded or taken for or in respect of the same Horse or Horses, Mule or Mules, or other Beast or Beasts, drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, or for or in respect of the same Horse, Mule, or Ass laden or unladen, and not drawing, or for or in respect of the same Drove of Oxen, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing once along the whole Line of the said Portion of Road lying between the said Place in the Township of *Huddersfield* called *The Shore*, and the Township of *Austerlands*.

Horses, &c. drawing and not passing along the whole Line, to be allowed after Payment of Four Tolls to pass for half Toll.

XXVII. Provided also, and be it further enacted, That in all Cases where the full Toll in respect of any Horse or Horses, Mule or Mules, or other Beast or Beasts drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, not passing along the whole Line of the said Portion of Road lying between the said Place in the Township of *Huddersfield* called *The Shore*, and the Township of *Austerlands*, shall have been paid Four Times in any One Day, then One-half only of the Toll by this Act granted shall be demanded or taken on the same Day for or in respect of such Horse or Horses, Mule or Mules, or other Beast or Beasts so drawing, for afterwards passing through the Gate or Gates at which such full Tolls shall have been so paid in respect of the same.

One Toll only to be paid on certain Part of the Road.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorise or empower the said Trustees to demand, collect, receive, or take, or cause to be demanded, collected, received, or taken, from any Person or Persons who after travelling upon any Part of the Turnpike Road from *Penistone* to a Close called *The Cowhey* in *Dalton*, shall come upon any Part of the said Road from *Wakefield* to *Austerlands*, between the South-east Side of the said Close called *The Cowhey* and *The Back Green* in *Huddersfield*, with any Horse or Horses, Mule or Mules, or other Beast or Beasts drawing any Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, or with any Horse, Mule, or Ass, laden or unladen and not drawing, or with any Drove of Oxen, Neat Cattle, Calves, Swine, Sheep, or Lambs, more than One Toll for every Time of passing (but not for repassing) along the whole of the said Portion of the said Road between the said Close called *The Cowhey* and *The Back Green* in *Huddersfield* aforesaid.

No Toll to be paid for repassing.

XXIX. Provided also, and be it further enacted, That all Horses, Beasts, Cattle, and Carriages, in respect whereof the Tolls hereby

granted (or Half Toll in the Cases hereinbefore mentioned) shall have been paid at any Gate or Turnpike on the said Road, shall be allowed to repass once for each such Payment through the same Gate, Toll free, in the same Day, to be computed as aforesaid.

Waggons, &c. allowed Privileges and Exemptions granted by 55 Geo. 3. c. 119.

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

Subjecting One-Horse Carts to be weighed.

XXXI. Provided also, and be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast of Draught, and having the Sole, Tire, or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which may hereafter be erected upon the said Road, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or Beasts of Draught are now liable to be weighed by Law, and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing or hindering the Wheels from being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable to by Law; and that every such Cart or other Carriage drawn by One Horse or other Beast of Draught which together with the Loading thereof shall weigh more than One Ton and Five hundred Weight in Summer, or than One Ton in Winter, shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by any Five or more of them to receive the Tolls granted by this Act) to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts of Draught are liable to pay by Law.

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

XXXII. 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 negligently suffer or permit any Waggon, Wain, Cart, or other Carriage, requiring and 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 hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Penalty on Collectors, &c. compounding for Overweight.

XXXIII. 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 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, or the Exemption or Diminution of Charge for Overweight, for or in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at such Weighing Machine or Machines, then and in every such Case each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement forfeit and pay (over and besides the Costs and Charges attending the Conviction) as follows; that is to say, if made by such Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines, any Sum not exceeding Forty Shillings, and if made by such Lessee or Lessees, Taker or Takers, Renter or Renters, any Sum not exceeding Five Pounds, to be respectively recovered, levied, apportioned, and applied in manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures; and such Lessee or Lessees, Taker or Takers, Renter or Renters 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, by whomsoever made, shall be and the same is hereby declared to be null and void.

To prevent Evasion of Tolls.

XXXIV. 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); 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

any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, Private Passage, Lands, 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 the Toll shall be thereby evaded; or if any Person not having paid the said Toll shall offer or produce and use any such Ticket, with intent to avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike or Toll Gate with any Horse or other Cattle or Beast without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Trustees to erect Gates, &c. to prevent Evasion of Toll.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think it necessary in order to prevent the Evasion of Toll, to erect any Gate or Stile across any Way or Lane 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 or Persons in attempting to evade the Payment of any of the said Tolls shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, such Person or Persons 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 hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Disputes concerning Tolls to be settled by a Justice.

XXXVI. 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 made to him for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, (which Oath every such Justice is hereby authorised and empowered to administer,) and shall determine the Amount of the Toll due and other Matters in Dispute

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.

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

General Exemptions from Toll.

XXXVIII. Provided always, and be it further enacted, That no Toll shall be demanded or be 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, 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 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

or ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons residing in any Parish, Township, or Place, through which the said Road, or any Part thereof, doth or shall lead, going to or returning from his, her, or their proper parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, in the same Parish, Township, or Place, or going to or returning from the Funeral of any Person who shall die and be buried in any such Parish, Township, or Place; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *York*, during the Time of such Election or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Turnips, Potatoes, or Straw, or Corn in the Straw only, not sold or disposed of, 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; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Things used therein belonging to any such Inhabitants or Occupiers, or any Dung, Mould, Manure, or Compost (save and except Lime) for manuring or improving Lands or Gardens; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture; or going to be or returning from being shoed, sharpened, 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 Corn, Grain, Malt, or Flour ground or to be ground, for the Use and Consumption of the Owner or Owners in his or her Dwelling-House and not for Sale, to or from any Corn Mill; or any Gravel, Sand, Stones, or other Materials for making and repairing the said Road, or any other Highway or public Road within any Parish, Township, or Place in which any Part of the said Road lies; or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges on the said Road; or for repairing or rebuilding the Dam or Weir of King's Mill, in the Parish of *Almondbury*; 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 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 hereinafter provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Persons claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Lime for Manure to be wholly exempted in certain Cases;

XXXIX. Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or Beast or Beasts, drawing any Cart or other Carriage laden with Lime only to be used as Manure on any Lands or Grounds lying within any Township or Hamlet doing Statute Labour on the said Road, or paying any Composition in lieu thereof, but the same shall be allowed to pass Toll-free through all the Toll Gates upon the said Road; and if such Lime shall be to be so used on any Lands or Grounds lying within any other Township or Hamlet, then One-half only of the respective Tolls by this Act granted shall be demanded or taken, for or in respect of the Horse or Horses, or Beast or Beasts so drawing; which Toll shall be collected in Manner and Form aforesaid and not otherwise.

and to pay half Toll only in other Cases.

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

XL. 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.

Tolls may be lessened, &c.

XLI. 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 such Newspapers as aforesaid, 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 in Number or Amount the Tolls by this Act authorised to be taken; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall be then due upon the Credit of the Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, levied, and applied as the Tolls hereby granted and authorised to be taken are directed to be collected, recovered, levied, and applied.

Tolls may be compounded for.

XLII. 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 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

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; 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.

XLIII. 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 such Newspapers as aforesaid, 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 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 authorised, 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.

XLIV. 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 authorise or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls or Duties so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls or Duties, during so long Time only as such Lessee or Lessees, Farmer or Farmers shall regularly and duly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of such Lease, Demise, or Letting, but no farther 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 authorised 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

tions 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.

XLV. 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 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 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 in the Daytime upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority Possession thereof; and thereupon it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes, (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such 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.

XLVI. 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 authorised to be taken, or a greater or less Toll or Duty than so authorised 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 hereinafter 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.

XLVII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or continued 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 with 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 any wise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum

not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, apportioned, and applied in Manner hereinafter 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.

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

XLVIII. 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 said Trustees under the said former Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Eighteenth and Fortieth Years of the Reign of His late Majesty King *George* the Third, or any of them, 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 they are hereby enabled to receive and take Possession of the same, and to recover the same or any Part or Parts thereof which shall or may be withheld from them, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said recited Acts as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, 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.

Power to borrow Money and to assign Tolls.

XLIX. 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 authorised and empowered, from Time to Time, to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorised 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 authorised and empowered, either at any Meeting or Meetings or afterwards by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls and Duties) for any Term during the Continuance of this Act, as a

Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*] We of the Trustees of the said Road, whose Names are hereunto set and Seals affixed, in Consideration of the Sum of Pounds 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 Pounds 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 Pounds with Interest, at the Rate of *per Centum per Annum* shall be sooner paid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord.'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages and of all Assignments thereof shall be entered in a Book or Books to be kept for that Purpose by the Clerk 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 Thirty-second Year of the Reign of King *George* the Second, or of an Act passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, or of an Act passed in the Fortieth Year of the Reign of His said late Majesty, or of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, (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

'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.

Creditors may be paid off, &c.

L. And be it further enacted, That from and after the passing of this Act any Person or Persons who now is or are or at any Time hereafter may be possessed of or entitled to any Sum or Sums of Money lent or advanced upon the Credit of the said Tolls and Toll Houses, shall and may have such Sum or Sums of Money repaid to him, her, or them, (and the Treasurer of the said Road is hereby required to pay the same under the Penalty of Twenty Pounds,) upon giving Twelve Calendar Months Notice in Writing to the Clerk and Treasurer of the said Road for the Time being, (which they are hereby required to register in the Order in which they are received,) of his, her, or their wishing any such Sum or Sums of Money to be repaid to him, her, or them by the Treasurer of the said Road; and in order to provide for making such Payments it shall be lawful for the Treasurer of the said Road for the Time being to make such Payments out of the Tolls of the said Road, or with the Consent of the said Trustees to borrow and take up the Money required for making the same at Interest, upon Mortgage of the said Tolls, or a proportionate Part thereof, as to the said Trustees shall from Time to Time seem most expedient: Provided always, that the said Treasurer shall not be required in any One Year to pay more out of the Funds of the said Road than the Sum of Five hundred Pounds; and that in all Cases of Application for Payment as aforesaid, from any of the present or future Mortgagees of the Tolls of the said Road, the older Mortgagees shall in all Cases be preferred before those whose Mortgages are of later Date, and that the Notices for Payment given in One Year shall only operate in that Year, and not be considered as giving Preference in any succeeding Year; and that the Year for the Purposes of such Notices shall be reckoned to commence from the Time of the passing of this Act: Provided also, that the Treasurer of the said Road for the Time being shall not in any Case be compelled or compellable to pay any such Mortgagee or Mortgagees until after all the Interest then due or becoming due shall be paid or provided for out of the Tolls of the said Road.

LI. And

An Action of Ejectment may be supported by One Mortgagee.

LI. 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 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.

LII. 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 Expenses relative to the obtaining and passing of this Act, 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 and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, then 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.

LIII. 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 authorised and empowered to amend, repair, widen, turn, divert, and alter 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 upon or over any Commons or Waste Grounds, and by, over, and along any other Road or Roads, without making any Satisfaction for such Commons or Waste Grounds 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 hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Deviation not to exceed 100 Yards from the present Road without Consent.

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

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

Trustees may contract for the Purchase of Land.

Corporations and incapacitated Persons empowered to sell, &c.

LV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to treat, contract, and agree with the Owners of and Persons interested in any Private Lands or Grounds or Hereditaments to be taken or made use of by virtue of this Act for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, amending, repairing, widening, turning, diverting, or altering the said Road, or any Part thereof, or the Course or Path thereof, or any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate or Collegiate, 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 Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, *cestui que* Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Sale thereof, and for the Satisfaction to be made for such Damages as aforesaid, and sell and convey unto the said Trustees, 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 or Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat,

LVI. And be it further enacted, That if such Bodies Politic, Corporate, Collegiate, 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, Corporate, or Collegiate, 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 intended to be made, varied, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *York*; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever (which Oath any one or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall by ordering a View or otherwise use all lawful Ways and Means as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and assessed such Damage and Recompense, 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 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, Collegiate, 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

Damages to be settled by a Jury.

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

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, without any reasonable and sufficient Excuse after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expenses, or appearing shall refuse to be sworn or examined or to give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

How Expences of the Jury shall be paid.

LVII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompense 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 Recompense or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expenses of summoning and maintaining the said Jury and Witnesses, and all other Expenses attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise or be received by them under or by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said Riding,

Riding not interested in the Matter in Question (who is hereby authorised and required to settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expenses shall not be paid to the Party or Person entitled to receive the same within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said Riding, which Warrant any such Justice is hereby authorised and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expenses; 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 Recompense and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the full Costs and Expenses of summoning and maintaining the said Jury and Witnesses, and all other Expenses 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 Expenses 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 authorised and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose,) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such 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 Expenses 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 hereinafter 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 Expenses 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.

LVIII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompense, 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 hereinafter 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,

Workmen, or Agents, to make, widen, turn, 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 of this Act; and all the Lands and Hereditaments which shall be or have been made a Part or Parts of any Road by virtue of this Act, or either of the said recited Acts hereby repealed, 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 any new Road has been or shall be made by virtue of this Act, or either of the said Acts hereby repealed, 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, and there as to such Parts thereof as exceed Thirty Feet in Width, shall be vested in the said Trustees, and sold as hereinafter mentioned, or shall and may be shut up and discontinued, or left unrepaired, and where left open the same shall not be used by any Cattle, Carts, or other Carriages, except for going to and returning from such Places as any such new Road does not lead to, nor to avoid Payment of the Tolls hereby granted, or any of them.

Old Roads to be stopped up or sold.

Trustees empowered to sell overplus Grounds or old Road.

LIX. And whereas by reason of the Purchases which have been made by virtue of or under the Acts hereinbefore recited and hereby repealed, or which the said Trustees are by this Act empowered and authorised to make, or by reason of the diverting of some Part or Parts of the said Road the said Trustees are or may 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; 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, or an Affidavit being 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

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

Peace for the said West Riding, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expense of hearing and determining such Difference shall be borne and paid in Manner hereinbefore 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 said 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 for the Purposes of the said Road, or as the same would or might have been held if no Act for repairing and widening the said Road had passed; and all Conveyances of such Pieces of old Road, being executed by any Five or more of the said Trustees and enrolled at the Register Office for the said West Riding, shall be good and effectual in Law to all Intents and Purposes.

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

LX. And be it further enacted, That if any Money shall be paid 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 an Infant, Idiot, Lunatic, Feme Covert, or other *cestui que* 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

Application of Compensation if amounting to 200*l*.

by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments,) in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorise to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the Meantime and until such Purchase shall be made the said Money shall by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the 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.

LXI. 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 any 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 hereinbefore 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 Nomin ation 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 hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20 l.

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next hereinbefore 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.

LXIII. 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 the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown 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 Expenses to be paid by Trustees.

LXV. 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 Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses 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.

LXVI. 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 other adjoining Parish, Township, or Place within the said Riding, convenient for the Purpose, 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 wherefrom 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 paying for the Damages done by going through or over any inclosed Lands or Grounds for or with such Materials, (which they are hereby authorised and empowered to do not being an Orchard, Garden, Yard, Park, Paddock, Plantation, or Nursery for Trees,) such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, having first obtained the Order of some Justice or Justices of the Peace as hereinafter mentioned, and such Persons as he or they shall appoint to search for, dig, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie and be situate, (not being an Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed in aforesaid, and the Owners or Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any One or more Justice or Justices of the Peace for the Riding or District wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of the said Justice or Justices therein shall be final and conclusive upon all Parties.

Notice to be given before Materials taken.

LXVII. 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 of the said Trustees, 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 authorise such Surveyor or other Person or Persons to dig, gather, get, take, and carry away such Materials; 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

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.

LXVIII. And be it further enacted, That if any Person whosoever 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, or 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 or 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 hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

For removing Annoyances and Nuisances.

LXIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made on any Part of the said Road by Timber, Wood, Stone, Carriages, Saw Pits 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 after Notice from the Surveyor or Surveyors; or if 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 or 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

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, levied, 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 Expenses and Charges thereby occasioned.

For preventing Encroachments on the Side of Roads.

LXX. 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 on any Part of such Road, (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees,) or by planting any Timber or other Trees on any Part of the said Road, or within the Distance of Fifteen Feet from the Middle or Centre of such Road, near such Parts thereof as shall be of no greater Width than Thirty Feet, 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, Timber or other Trees, to be pulled or cut down or filled up at the Expense 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 Expenses of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates to open inwards.

LXXI. 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 respective hanging Posts shall be so far removed from the Centre of the said Road, so that no Part of such Gate respectively when opened shall swing or hang over any Part of the said

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 authorised 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 Expense 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 hereinafter provided for the Recovery and Application of Penalties.

Power to make Causeways and Drains and temporary Diversions.

LXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order in Writing for that Purpose signed by the major Part of the Trustees present at the Meeting at which the Order is made,) to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways 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 made convenient for Passengers or Carriages to pass along the same, making such Recompense to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain as shall be adjudged 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

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 Recompense shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive on all Parties.

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

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor for the Time being, and such Persons as he shall employ, (such Surveyor being thereunto authorised by such an Order as is last mentioned,) to make or cause to be made such and so many small Recesses or Inclosures along the Side of the said Road in or upon any Commons, Grounds, or Fields, (not coming within the Exception aforesaid,) adjoining upon the said Road, as the said Trustees shall think necessary, for the Purpose of storing or laying up and breaking of Stone and other Materials for the Repair of the said Road, that the Sides thereof may not be incumbered or rendered dangerous thereby, such Recesses or Inclosures to be fenced by the Trustees of the said Road, and not to contain more than Ten Perches, the said Trustees making Satisfaction for the same, in such and the same Manner as is herein directed where Land is taken or required for altering or diverting the said Road.

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

LXXIV. 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 a 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.

LXXV. And be it further enacted, That all and every Person and Persons, Counties, Ridings, Wapentakes, Districts, 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 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.

LXXVI. 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

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 authorised 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

Justices to determine Differences touching Statute Work.

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 exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered and are hereinafter directed to be apportioned and applied.

Trustees may compound for Statute Work.

LXXVII. 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 Com-

LXXVIII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or

position Money.

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.

LXXIX. 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.

LXXX. 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 authorise or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Road, or any Part thereof, and for erecting Mile or Direction Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and 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 Workman 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, in the Name of their Clerk, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts and 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

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, &c. or injuring Causeways, &c.

LXXXI. 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, 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, 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, Cart, or Carriage along or against any 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 drive any Cart or other Carriage upon any Footway or Causeway made upon the said Road, or shall wilfully or carelessly cause any Damage to be done to the said Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned loose or to wander or stray or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the said Road, or any Part thereof, or the Fences, Hedgings, Backings, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald,

scald, dress, or cut up, any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter-house, House, Building, Butcher's Shop, or Shambles, into the said Road, or burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks in any Part or Parts of the said Road, or in any exposed Situations near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon any Part of the said Road; 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 his 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 upon the said Road, or within Eighty Feet of the Centre thereof; or play at Football or any other Game on any Part or Parts of the said Road to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said 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; or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon, or shall lay or place on the Walls or Fences of the said Road, or on the Sides of the said Road, for any Purpose whatever, any Wool, Woollen, or Cotton Cloth, Warp or Linen, 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 Offenders shall also pay to the said Trustees, or their Treasurer or Treasurers, or one of them,

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.

LXXXII. 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 upon 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 Expenses of impounding and keeping the same; and in case the said Penalty, Charges, and Expenses 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 Expenses of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Recovery of Penalties and Forfeitures;

and Application thereof.

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorised to be imposed, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively, before any Justice of the Peace for the said Riding, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such Case hereby fully authorised 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 authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said Riding, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

For securing transient Offenders.

LXXXIV. 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.

LXXXV. 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 First Year of the Reign of King 'George the Fourth, intituled *An Act*, &c. [*here set forth the Title 'of this Act, and specify the Offence, Time, and Place when and where 'the same was committed, as the Case may be.*] Given under our 'Hands and Seals [*or*, my Hand and Seal] the Day and Year first 'above written.'

LXXXVI. And

Proceedings not to be quashed for Want of Form.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County, Riding, or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County, Riding, or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may if they see Cause by order of such Sessions mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion

shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions by their Order and 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.

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

Public Act.

LXXXIX. 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.

XC. 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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