ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 19.

An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from *Wakefield* to *Halifax*, in the West Riding of the County of *York*.

[28th *April* 1809.]

WHEREAS an Act was made in the Fourteenth Year of the Reign of his late Majesty, intituled, *An Act for repairing the Roads from a Place called* Red House, *near* Doncaster *to* Wakefield, *and through the said Town of* Wakefield, *by* Dewsbury, Hightown, *and* Lightcliff, *to the Town of* Halifax, *in the West Riding of the County of* York: And whereas another Act was made in the Thirtieth Year of the Reign of his late Majesty, intituled, *An Act for enlarging the Terms and Powers granted by Two several Acts passed in the Fourteenth Year of His present Majesty, the one for repairing the Roads from a Place called* The Red House, *near* Doncaster, *to* Wakefield, *and through the said Town of* Wakefield *by* Dewsbury, Hightown *and* Lightcliff, *to the Town of* Halifax, *in the West Riding of the County of* York; *and the other for repairing the Road from* Wakefield *to* Pontefract, *and from thence to a Place called* Weeland, *in the Townships of* Henfall, *and from* Pontefract *to* Wentbridge, *in the Township of* Darrington, *in the West Riding of the County of* York: And whereas another Act was made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for reviving, continuing, and amending certain Acts of the Fourteenth and Thirtieth Years of King* George *the Second, so far as relates to repairing the Road from the North End of* Wakefield Bridge *to* Halifax, *in the West Riding of the County of* York: And whereas great Pro-

14 G. 2. c. 19.

3 G. 2. c. 54.

33 G. 3. c. 129.

greſs hath been made in repairing, widening, diverting and making commodious the ſaid Road, for which Purpoſe a conſiderable Sum of Money has been borrowed and ſtill remains due and owing upon the Credit of the Tolls granted by the ſaid recited Acts, which Money cannot be repaid, and the ſaid Road effectually amended and kept in Repair, unleſs the Term of the ſaid Acts is further continued, the Tolls increaſed, and ſome of the Powers and Proviſions thereof altered, enlarged and rendered more effectual; 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, and all and every the Clauſes, Powers, Authorities, Proviſions, Penalties, Forfeitures, Matters and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, and alſo ſuch as are hereby varied, altered or repealed), ſhall be and remain in full Force and Effect, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Amendments, Alterations and Additions herein contained, and that this Act ſhall commence and take Effect upon the paſſing thereof, and the Term and Powers hereby granted ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Acts, and of ſuch other Sums of Money as ſhall be borrowed upon the Credit thereof and of this Act, and all Intereſt due and to become due thereon reſpectively.

Acts further continued.

II. And be it further enacted, That *George Addey*, *George Addiſon*, *Robert Alliott*, *George Allott*, *George Armytage*, *John Armytage*, *Joſeph Armytage*, *William Batt*, *William Barff*, *Thomas Bradley*, *William Bradley* the younger, *John Bramley* the younger, *Richard Burrell*, *Richard Burrell* junior, *Robert Carr*, *William Charnock*, *John Robert Clark*, *Henry Croſsley*, *James Croſsley* the younger, *Benjamin Dealtry*, *John Dyſon* of Willow Field, *John Edwards* of North Owram, *Henry Lees Edwards*, *Thomas Edwards* of Pye Neſt, *Thomas Edwards* of Halifax, *John Edwards* of Halifax, *Nathaniel Fowler*, *John Garlick*, *John Greenwood*, *William Greenup* the younger, *George Greenup* the younger, *Richard Greenup*, *John Hall*, *Joſeph Hall*, *Richard Harriſon*, *John Hardy*, *Samuel Hartley*, *Samuel Hodgſon*, *John Hodgſon*, *John Holland*, *Joſhua Thomas Horton*, *George William Horton*, *Thomas Hudſon*, *Richard Hudſon* the younger, *Joſhua Hudſon* *Abraham Richard Ingram*, *William Ingram* the younger, the Reverend *Thomas Johnſtone*, *John Liſter Kaye*, *William Jones Kendal*, *Richard Kerſhaw*, *John Lee* junior, *Thomas Liſter*, *Samuel Liſter*, *John Liſter*, *John Lonſdale*, *Abraham Firth Macauley*, *John Maude*, *Richard Rhodes Milnes*, *James Moore*, *Jeremiah Naylor* the younger, *John Nettleton*, *Henry Peterſon*, *John Preſton*, *Thomas Preſton* the younger, *Edward Prieſtley*, *William Prieſtley*, *Joſeph Radcliffe*, *Charles Radcliffe*, *William Radcliffe*, *John Ralph*, *Richard Ramſden* Doctor in Divinity, *Stansfeld Rawſon*, *Chriſtopher Rawſon*, *Henry William Rawſon*, *Jeremiah Rawſon*, *John Rawſon* the younger, *Thomas Rawſon*, *William Rayner*, *John Ridſdale*, *George Ridſdale*, *John Robſon*, *William Routh*, *Thomas Rylah*, *William Smithſon*, *Edward Steer*, *Joſeph Sunderland* the younger, *James Thompſon*, *Samuel Thompſon* the younger, *Thomas Thornhill*, *Joſeph Tolſon*, *Walter Vavaſour*, *Samuel Waterhouſe*, *Charles Waterton*, *John Richard Walker*, *William Walker*, *Henry Wigleſworth*, Sir *Henry Wilſon* Knight, and

For appointing additional Truſtees.

Elias Wright, ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts, for putting the ſame and this Act into Execution with reſpect to the ſaid Road; and the Truſtees hereby appointed, and their Succeſſors reſpectively, being qualified according to the Directions of the ſaid recited Acts, are hereby empowered to act in the Execution of the ſaid Acts and of this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue of the ſaid Acts.

That Acts of Truſtees not qualified ſhall be valid.

III. And be it further enacted, That all Acts and Proceedings of any Perſon or Perſons who hath or have acted, or who ſhall act as a Truſtee or Truſtees in the Execution of this or the ſaid recited Acts, although not duly qualified previous to his or their being convicted of ſuch Offence, ſhall be as valid and effectual as if ſuch Perſon or Perſons had been ſo qualified.

For diſcontinuing the preſent Tolls and granting new ones.

IV. And whereas the Tolls granted by the ſaid recited Acts have been found inſufficient for amending and keeping the ſaid Road in good Repair, and for executing the ſeveral other Purpoſes of the ſaid Acts; be it therefore further enacted, That from and after the Tenth Day of *May* One thouſand eight hundred and nine, the Tolls payable in and by the ſaid recited Acts with reſpect to the ſaid Road ſhall ceaſe, determine, and be no longer paid or payable; and that inſtead thereof the reſpective Tolls following ſhall be demanded and taken at all or any of the Gates or Turnpikes which are or ſhall be erected, in, upon, or on the Side of or acroſs the ſaid Road, before any Horſe, Cattle or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

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

For every Waggon, Wain, Cart or other ſuch like Carriage, with the Wheels of leſs Breadth than Six Inches, not being laden with or going empty for or returning empty after being laden with Coal or Cinders, and drawn by Four Horſes or Beaſts of Draught, the Sum of Five Shillings; and drawn by Three Horſes or Beaſts of Draught, the Sum of Four Shillings; and drawn by Two Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, Cart or other ſuch like Carriage, with the Fellies of the Wheels of the Breadth of Six Inches or more, not being laden with or going empty for or returning empty after being laden with Coal or Cinders, and drawn by Eight or more Horſes or Beaſts of Draught, the Sum of Eight Shillings; and drawn by Six or Seven Horſes or Beaſts of Draught, the Sum of One Shilling for each Horſe; and drawn by Five Horſes or Beaſts of Draught, the Sum of Five Shillings; and drawn by Four Horſes or Beaſts of Draught the Sum of Four Shillings; and

drawn

drawn by Three Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by Two Horſes or Beaſts of Draught, the Sum of Two Shillings; and drawn by One Horſe or Beaſt of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart or other ſuch like Carriage going empty for, or laden, or returning empty after being laden with Coal or Cinders, drawn by Four or more Horſes or Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three Horſes or Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horſe or Beaſt of Draught, the Sum of Nine-pence:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, or going for or returning with Coal or Cinders, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule or Aſs, not drawing, but going for or returning laden with Coal or Cinders, the Sum of Three-pence:

For every Drove of Cattle, the Sum of Two Shillings aud Sixpence *per* Score; and ſo in Proportion for any leſs Number: and

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

Which ſeveral Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, varied and diſpoſed of in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſions, Regulations and Reſtrictions as are contained in the ſaid recited Acts, but ſubject to the Regulations, Alterations and Exemptions in this Act contained.

Tolls may be taken in different Portions.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order and direct the Tolls hereby granted to be taken and received in different Portions, at ſuch and ſo many Gates and Turnpikes which are or ſhall be erected upon the ſaid Road, as they ſhall think proper, and from Time to Time to vary the ſame Portions at their Diſcretion; provided that nothing herein contained ſhall authorize the erecting of any Tollgate or Turnpike within the Diſtance of One Mile of the Town of *Halifax* aforeſaid.

Exemptions from Toll.

VI. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Road Gravel or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips in which any Part of the ſaid Road doth lie, or the next adjoining Townſhips; or Hay, Graſs, Straw or Corn in the Straw only, Turves, Heath or Furze for Fuel, to be produced from the Lands or Grounds, not ſold or diſpoſed of but paſſing to be laid up or placed in the Outhouſes or on the Lands of the reſpective Owners for the Purpoſe of thraſhing out ſuch Corn, or of uſing and conſuming ſuch Hay, Graſs, Straw, Turves, Heath, and Furze; or for any Cart or other Carriage, Horſe, Cattle or Beaſt employed in carrying or conveying

conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows or Implements of Husbandry, Corn for seeding the Ground, or any Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime only excepted); or for any Horses, Sheep or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed or farried; or for any Horse, Cattle or Beast employed in carrying and conveying or returning from carrying or conveying any Corn, Grain, Meal or Flour to or from any Corn Mill for the Owner's own Use and Consumption and not for Sale; or from any Person going to or returning from his or her proper Parochial Church, Chapel or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships; or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, fetching, or guarding, such Mails or Expresses, or returning back from conveying the same; or for any Horse, Cattle or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for any Horse, Cart, Cattle or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Carriages conveying Military Stores not to be sub-

VII. 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

ject to Penalties for Overweight, etc.

Barrack or 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, nor ſhall any ſuch Waggon, Wain, Cart or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or 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; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

For preventing Annoyances.

VIII. And be it further enacted, That if any Perſon or Perſons ſhall drive any Horſe or other Cattle, or any Cart or other Carriage, or hale, draw, carry, paſs or wheel any Hurry, Truck or Wheelbarrow on any Footway or Cauſeway adjoining to the ſaid Road, or ſhall cauſe any Damage to be done to ſuch Footway or Cauſeway, or to any Hedges, Fences, Breaſt Walls, Poſts, Rails or Palings ſet up along the Side or upon ſuch Footway; or ſhall in or upon any Part of the ſaid Road, or by the Side or Sides thereof, or in any expoſed Situation near thereto, kill, ſlaughter, ſinge, 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 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, Mare or Gelding, 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 any 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 ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone otherwiſe than wholly upon wheeled Carriages, or ſhall ſuffer any Part of any Tree, or Piece of Timber or Stone, which ſhall be carried upon wheeled Carriages, to drag upon any Part of the ſaid Road to the Prejudice thereof reſpectively; or if any Occupier of any Cloſe of Land, or of any Court, Garden or Yard adjoining the ſaid Road, ſhall not hang the Gate and Gates communicating with the ſaid Road and ſuch Cloſe, Court, Garden or Yard, ſo as to open inwards; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedges, Banks or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon the ſaid Road and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the left or near Side of the 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 ſuch 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 any Gun, Piſtol, Cracker, or throw any Squib, Rocket, Serpent or Firework whatſoever, on any Part or Parts of the ſaid Road; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch like Carriage, in, upon or on the Side of any Part of the ſaid Road longer than

may

may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; 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, for any Purpoſe whatever, any Wool, Woollen Cloth or Linen, or ſhall tenter or ſtretch any Warp or Warps within the Fences thereof, nearer than Twenty-four Feet of the Centre; every Perſon ſo offending ſhall, for each and every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Encroachments by Building, Ditches, etc.

IX. And whereas great Inconveniences have ariſen from erecting and making Dwellinghouſes, Buildings, Walls, Fences, Hedges and Ditches too near the Sides of the ſaid Turnpike Road; for Remedy whereof, be it enacted, That from and after the paſſing of this Act, no Perſon ſhall encroach upon the ſaid Road by making or cauſing to be made any Dwellinghouſe, Building, Wall, Fence or Hedge within Fifteen Feet of the Centre of the ſaid Road on the South Side thereof; and it ſhall and may be lawful to and for the ſaid Truſtees or any Five of them to cauſe ſuch Dwellinghouſes, Buildings, Walls, Fences, Hedges and Ditches to be taken down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the Weſt Riding of *Yorkſhire*, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Dwellinghouſes, Buildings, Walls, Fences and Hedges, as of filling up ſuch Ditches as aforeſaid, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner and Owners on Demand.

Recital of Power to purchaſe Lands in the Act of 14 G. 2.

X. And whereas under or by virtue of the ſaid firſt recited Act, the Truſtees are empowered to contract with the Owner or Owners of the Lands lying on either Side of the ſaid Roads, for the abſolute Purchaſe of ſuch Lands, for the Purpoſes of extending, enlarging or widening the ſaid Roads, or making any new Road or Roads contiguous or adjacent thereto; but no Power or Authority is thereby given to the ſaid Truſtees to enable them to exchange any Part or Parts of the ſaid Roads with the Owner or Owners of the adjoining Lands for the Purpoſes before-mentioned; for Remedy whereof be it enacted, That from and immediately after the paſſing of this Act, the Powers and Authorities given to the ſaid Truſtees by the ſaid firſt recited Act, for enabling them to purchaſe Lands for the Purpoſes therein mentioned, ſhall be extended to all Caſes where any Exchange or Exchanges of Land ſhall be made by the ſaid Truſtees and the Perſons intereſted; and alſo for enabling the ſaid Truſtees to exchange Lands for any of the Purpoſes of the ſaid recited Acts or this Act.

How Expences of Jury ſhall be defrayed.

XI. And be it further enacted, That in all Caſes where any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt or Property of any Perſon or Perſons in any Lands, Tenements or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Five or more of them, or their Treaſurer

Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of the Money in his or their Hand or Hands, to ariſe by virtue of the ſaid recited Acts or this Act; but if ſuch Jury ſhall give and deliver in a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Five or more of them before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the Hearing and Determination of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace acting for the Weſt Riding of the County of *York*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid up on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the Truſtees, by ſuch Ways and Means as are by the ſaid firſt recited Act provided for recovering of Penalties and Forfeitures: Provided always, that in all Caſes where any Owner or Owners, or Perſon or Perſons intereſted in ſuch Lands, Tenements or Hereditaments, ſhall, by reaſon of Abſence, have been prevented from treating with the ſaid Truſtees, the whole of ſuch Coſts, Charges, and Expences ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees in Manner aforeſaid.

Owners of Lands uſed in making any new Road to have the firſt Offer of the Road.

XII. Provided always, and be it further enacted, That wherever the Courſe of any Part of the ſaid Road ſhall be altered by virtue of the ſaid recited Acts or this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as the Price for any Land to be taken in purſuance of the ſaid recited Acts or this Act is directed to be ſettled and aſcertained, and ſuch Owner ſhall be deemed the Purchaſer at the Sum to be aſcertained by the Jury to be the Value thereof, and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made by the Treaſurer or Clerk to the Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees

by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, or Place where such old Road shall lie, stating that such Offer had been made by or on the Behalf of the said Trustees, and that such Owner had not agreed or had refused to purchase such old Road (as the Case may be), and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner.

Application of Compensation Money when amounting to 200*l.*

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of the said recited Acts and of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, 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 *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements 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 or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compenſation Money is leſs than 200l and not leſs than 20l.

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

Application where the Money is leſs than 20l.

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

In caſe of not making out Titles.

XVI. 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 by virtue of the ſaid recited Acts or 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 in caſe ſuch 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 and may be lawful to and 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 Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery 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

Purchaſe Money to be paid into the Bank;

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

wiſe as to the ſame 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 for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

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

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

XVIII. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons chargeable to Statute Work to continue to.

XIX. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall

shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said West Riding of the County of *York*, and they are hereby empowered and required upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Townships or Places in which the said Road lieth, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for the said Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such 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 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 Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as

Justices to determine Differences touching Statute Work.

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 Townſhips or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the 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 Townſhips or Places in which the ſaid Road is ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Townſhip, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees in advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Townſhip or Place ſhall not be permitted to compound for that Year.

For Recovery and Application of Penalties.

XXI. And be it further enacted, That all Penalties and Forfeitures hereby or by the ſaid recited Acts or any of them inflicted or authorized to be impoſed, if the Manner of levying and recovering thereof is not herein or therein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County, Riding, or Place wherein the Offence ſhall have been committed, or any one Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes); and the Overplus, after ſuch Penalties and Forfeitures and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and One Moiety of ſuch Penalties and Forfeitures, when recovered, ſhall, if not otherwiſe directed to be applied, be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby required by Warrant or Warants under his Hand and Seal to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County, Riding, or Place wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not

not exceeding Three Calendar Months, unleſs ſuch Penalty and Forfeiture and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Form of Conviction.

XXII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this or the ſaid recited Acts, be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this or the ſaid recited Acts, ſhall and may cauſe the Conviction to be drawn up in the following or in any other Form of Words to the ſame Effect; *videlicet*;

County of York, to wit. } "BE it remembered, That on this Day of in the Year of our "Lord is convicted before me "[*or*, us] of His Majeſty's Juſtices of the Peace for the "Weſt Riding of the County of *York* [*or, as the Caſe may be, ſpecifying the "Offence, and the Time and Place when and where the ſame was committed, "as the Caſe ſhall be*]. Given under my Hand and Seal [*or*, our Hands "and Seals] the Day and Year firſt above written."

For ſecuring tranſient Offenders.

XXIII. And whereas Offences may be committed againſt this or the ſaid recited Acts by Perſons unknown to the Collectors, Surveyors, or other Officers employed by the ſaid Truſtees; be it therefore further enacted, That it ſhall be lawful for any one or more of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons, who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any Juſtice of the Peace for the County or Diſtrict near to the Place where the Offence or Offences ſhall have been committed, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons, ſo offending, to give Security for his, her, or their Appearance at the next Petty Seſſions to be holden within and for the County, Riding, or Diſtrict, in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary way, and upon the Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her, or them to the Common Gaol, or Houſe of Correction for the ſame County, Riding, or Diſtrict, there to remain for any Time not exceeding Twenty-one Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred, for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

For paying the Expences of the Act.

XXIV. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Intereſt from the Time of advancing the ſame till the Time of Payment, ſhall be paid and ſatisfied by the ſaid Truſtees, and that it ſhall be lawful for the ſaid Truſtees, or any Five

or

or more of them, and they are hereby required to order and direct the Payment of the ſaid Charges and Expences with Intereſt as aforeſaid, out of the firſt Monies that ſhall be collected, borrowed, or received by virtue of the ſaid recited Acts and this Act, in preference to all other Payments and Diſburſements whatſoever.

Public Act.

XXV. 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.

Term and Continuance of the Act.

XXVI. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall, on the ſaid Tenth Day of *May* One thouſand eight hundred and nine, ceaſe and determine; and the ſaid Acts (ſubject to the Alterations, Variations, and Additions, herein-before contained) and this Act ſhall from thenceforth commence, continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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