ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxiii.

An Act for continuing and amending an Act of His late Majesty, for repairing the Roads from *Monk Bridge*, near the City of *York*, to *New Malton*, and from thence to *Scarborough*, and also from *Spittle House* to *Scarborough* aforesaid, all in the County of *York*. [22d *June* 1820.]

WHEREAS an Act was passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, altering, and improving the Roads from the East End of* Monk Bridge, *near the City of* York, *to* New Malton, *and from thence to* Scarborough, *in the North Riding of the County of* York; *and also from* Spittle House, *in the East Riding of the said County, to* Scarborough *aforesaid:* And whereas several considerable Sums of Money are due and owing on the Credit or Security of the Tolls by the said Act granted, and the same cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the said Act be continued for a further Term; and it is expedient that some of the Powers and Provisions therein contained should be altered, amended, and enlarged, and that some further Powers and Authorities should be granted, for more effectually repairing and improving the said Roads: 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, 38G. 3. c. 37.

Recited Act continued for a further Term.

ral, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third, and all the Tolls, Powers, Authorities, Penalties, Forfeitures, Privileges, Provisions, Regulations, Clauses, Matters and Things therein contained and now in force, (except such of them as are varied, altered, or repealed, or as are repugnant to or otherwise provided for by any of the Clauses or Provisions contained in this Act,) shall be and continue in full Force and Effect, and shall be applied and put in Execution during the Term hereinafter granted, for amending, widening, altering, improving, and keeping in Repair the several Roads comprized in the said Act, in as full and ample a Manner, and as effectually to all Intents and Purposes, as if all such Tolls, Powers, Authorities, Privileges, Penalties, Forfeitures, Provisions, Regulations, Clauses, Matters, and Things, were repeated and re-enacted in the Body of this Act with relation thereto, and that this Act and the Tolls and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or Security of the said recited Act, and to all Monies which shall or may be hereafter borrowed on the Credit or Security of this Act, and to all Interest due and to become due for the same respectively.

New Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the North and East Riding of the said County, *Benjamin Agar*, *John Agar*, Sir *Francis Boynton* Baronet, *Francis Boynton*, *Robert Belt*, *Robert Belt* junior, *Robert Bower*, *Robert Bower* junior, *T. F. Foord Bowes* Clerk, *Matthew Butterwick*, *Charles Brome*, *George Beswick*, *William Beswick*, *George Beswick* junior, *John Bell*, *Thomas Edward Wynne Bellasyse*, *James Britton* Clerk, the Honourable *Godfrey Bosville*, *Bill*, *John Bell*, *Frederick William Blomberg* Clerk, *Varlow Bielby*, Sir *George Cayley* Baronet, Sir *George Cook* Baronet, *Gilbert Crompton*, *Joshua Crompton*, *Abel Chapman*, *Cant Candler*, *Charles Cholmley*, *Harry Croft*, *John Cayley* Clerk, *Thomas Comber* Clerk, *George Cholmley*, *John Cleaver* Clerk, *James Jarvis Cleaver* Clerk, *John Cleaver* junior, Clerk, *Marmaduke Constable*, *Charles Constable*, *Robert Croft*, *Henry Cook*, *Bryan Cooke*, *Thomas Candler*, *Charles Craven*, *Rowland Croxton* Clerk, *William Canning* Clerk, *Gilbert Crompton* Clerk, *William Joshua Crompton*, *Charles Duncombe*, *Thomas Duncombe*, *William Dealtry* Clerk, *Robert Dennison*, *Richardson Dawson*, *William Joseph Dennison*, *Robert Dennison* junior, *Darell*, *Marmaduke Dawney*, *Edmund Day* Clerk, *Richard Davies* Clerk, *Francis William Dealtry* Clerk, *Henry Darley*, *William Duncombe*, *George Woodcock Dowker*, *Henry Dowker*, *James Dowker*, *Thomas Dowker*, *William Dennis*, Sir *Thomas Frankland* Baronet, *Robert Frankland*, *Walter Fawkes*, *Charles Fairfax*, *John Robinson Foulis*, *Wilmer Field*, *Henry Foord* Clerk, *Thomas Grimston*, *Henry Grimston*, *John Grimston*, *William Garforth*, *John Greame*, *Yarburgh Greame*, *Thomas Goulton*, *Robert Gilbert* Clerk, *John Gilbert*, *Robert Gilbert*, *Graham* Clerk, *John Gilby* Clerk, *James Carter Green* Clerk, *Harrington Hudson*, *Harrington Hudson* junior, *Thomas Hustler*, *Robert Harrison* Clerk, *William Harrison*, *Thomas Harrison* Clerk, *Thomas Hayes* Clerk, *Richard Hill*, *Robert Howard* Clerk, *Edward Hopper Hebden*, *Arthur Jaques* Clerk, *Thomas Keld*, *Henry Legard* Clerk, *Digby Legard*, *Ralph Lutton*, *William Legard* Clerk, *Thomas Lund* Clerk, *Henry Cockerill Leathem*, Bailiff for the

the Time being of the Borough of *Malton*, *John Macfarland*, *William Middleton*, *Thomas Mitchelson*, *William Moorsome*, *Richard William Moorsome*, *John Maister*, *Matthew Mapletoft* Clerk, *Newton* Clerk, *Thomas Norcliffe*, *Samuel William Nichol*, *Humphrey Osbaldeston*, *Cholmley Overend*, *Robert Owston*, *George Osbaldeston*, *Plunkett* Clerk, *Thomas Preston* Clerk, *George Parker*, *John George Parkhurst*, *John Piper*, *William Preston* Clerk, *Henry Pierse*, *John Pemberton*, *John Richardson*, *Thomas Cutler Rudstone Read* Clerk, *John Richardson* Clerk, Sir *William Strickland* Baronet, Sir *Mark Masterman Sykes* Baronet, *George Strickland*, *Walter Strickland*, *Henry Eustatius Strickland*, *Tatton Sykes*, *Christopher Sykes* Clerk, *Richard Terrick Stainforth*, *George Stainforth*, *John Simpson* M. D., *Richard Sykes* Clerk, *Richard Sykes* junior, *Richard Simpson*, *William St. Quintin*, *Sidney Smith* Clerk, *Arthur Strickland*, *George Strickland* junior, Bailiffs, Coroners, and Recorder for the Time being of *Scarborough*, Sir *John Hayford Thorold* Baronet, *John Tindall*, *William John Thompson*, *Richard Lowther Thompson*, *William Wilberforce*, *Digby Willoughby*, *Edward Worsley*, *William Worsley*, *Richard Watson*, *Godfrey Wolley* Clerk, *Christopher Wyville*, *John Walker*, *John Woodall*, *John Wilkinson*, *John Woodall* junior, *Henry Willoughby*, *John Robert Hill Webb* Clerk, *John Walker* junior, *Henry Yarburgh*, and the Lord Mayor, Three senior Aldermen, and Recorder for the Time being of *York*, together with such other Persons, not exceeding the Number of Ten, as the said Trustees, or any Five or more of them shall at their first or any subsequent Meeting nominate in that Behalf, (being qualified as herein-after mentioned), shall be and they are hereby appointed Trustees for amending and keeping in Repair the Roads comprized in the said Act and this Act, and for putting the same Act and this Act in Execution.

New Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Act and this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons having a Real Estate of the clear yearly Value of One hundred and fifty Pounds, or shall have and be possessed of a Personal Estate of the Value of Four thousand Pounds above what shall be sufficient to pay all his just Debts; and unless every such Person shall take and subscribe an Oath, or being one of the People called *Quakers*, an Affirmation, in the Presence of Two or more of the Trustees for the Time being, who are hereby authorized to administer the same, in the Form following; (that is to say),

'I *A. B.* do swear, That I am in my own Right, or in the Right of my 'Wife, truly and *bonâ fide* seized of or entitled to, and in the actual 'Possession or Receipt of the Rents and Profits of Freehold or Copyhold 'Lands, Tenements, or Hereditaments, of the clear yearly Value of One 'hundred Pounds above Reprizes; *and in case of an Heir Apparent*, I 'A. B. do swear, that I am Heir Apparent of *C. D.* who, to the best of 'my Knowledge and Belief, is truly and *bonâ fide* seized of or entitled to, 'and in the actual Possession or Receipt of the Rents and Profits of Free-'hold or Copyhold Lands, Tenements, or Hereditaments, of the clear 'yearly Value of One hundred and fifty Pounds above Reprizes; *and in*

'*case*

'*case of Personal Estate*, I *A. B.* do swear, that I truly and *bonâ fide* have 'and am possessed of Personal Estate of the Amount or Value of Four 'thousand Pounds over and above what shall be sufficient to pay all my 'just Debts; and that I will truly and faithfully execute the Powers and 'Trusts reposed in me, by virtue of an Act passed in the First Year of 'the Reign of His Majesty King *George* the Fourth, intituled [*here set 'forth the Title of this Act*]. So help me GOD.'

And if any Person not being so qualified shall presume to act as such Trustee, contrary to the true Intent and Meaning 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, with full Costs of Suit, 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, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act.

Repeal of Power to require Officers to account on Oath.

IV. And be it further enacted, That so much of the said recited Act as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Persons to administer any such Oath, shall be and the same is hereby repealed and made void.

Not obligatory to appoint a Surveyor.

V. And it is hereby further enacted, That nothing in the said in part recited Act contained, shall oblige or render it necessary for the said Trustees to continue the present Surveyor or Surveyors, or to appoint any Surveyor or Surveyors in his or their Place or Places, in case they shall think proper to discontinue such Surveyor or Surveyors, or not to appoint any new Surveyor or Surveyors.

Same Person not to be Clerk and Treasurer.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk, in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the same Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said recited Act and this Act, or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Act and this Act, or either of them; 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, 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.

VII. And

VII. And be it further enacted, That the Trustees of this Act 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 Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls granted by the said recited Act, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case any Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, the Clerk so refusing shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

VIII. And be it further enacted, That the several Collectors of the Tolls granted or made payable by this Act, shall on Receipt of such Tolls deliver or tender to the Person or Persons paying the same, a Ticket or Tickets denoting such Payment, and specifying and naming thereon the Gate or Gates to be freed or exempted from Toll by such Payment.

Collectors to deliver Tickets, specifying the Gates freed.

IX. And be it further enacted, That every Toll Collector, being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Renter, Lessees or Renters, to collect the Tolls payable at any Turnpike, Toll Gate, or Toll Bar, to be continued or erected by virtue of this Act, shall and he is hereby required 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, immediately on his beginning to collect such Tolls or coming on Duty, 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 in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed, during the whole Time he shall collect such Tolls, or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any way 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 or tendered 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 Ticket to denote the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall, on being duly convicted thereof on the Oath of One Witness,

Regulations as to Toll Collectors.

forfeit and pay for every such Offence, such Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be made shall adjudge.

For obtaining Possession of Toll Houses.

X. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall at any Time after the Expiration of the Term for which such Tolls shall be leased, or for the Space of Fourteen Days after the Leases of such Tolls having expired or become void, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings and Premises which shall have been demised to him or them with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Buildings and Premises shall be situate respectively, by Warrant under his Hand and Seal to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses shall be situate, or any other Person or Persons to whom such Warrants shall be specially directed, with proper Assistants to enter such Toll House or Toll Houses, Buildings and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees shall think fit in Possession of the said Toll House or Toll Houses, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees.

Former Exemptions from Toll repealed, and new Exemptions granted.

XI. And be it further enacted, That all the Exemptions from Tolls granted and allowed by the said recited Act shall cease, and in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), no Toll shall be demanded or taken for any Horse or Carriage belonging to or attending His Majesty, or any of the Royal Family; nor for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials, for making or repairing the said Roads, or any Bridges thereon, or any of the Roads or Bridges in any of the Townships or Parishes in which said Roads lie, or with Seed for seeding the Ground, or Hay, Turnips, Potatoes, Straw, or Corn in the Straw, not sold or disposed of, or passing to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in 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 Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, (Chalk, Lime, and Limestone only excepted), employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her,

her, or their 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 any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or for any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of Officers or Soldiers, or Militia or Local Militiamen on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon 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 such Officers or Soldiers, or employed only in carrying or conveying, or returning empty from carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Wain, Waggon, 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; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by such Person in going to or returning from any Place appointed for or on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulation of such Corps at the Time of claiming the Exemption; or for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Days or Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons 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 forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Act and this Act; and the same shall be levied and recovered in the same Manner as other Penalties and Forfeitures are by the said recited Act empowered or directed to be levied and recovered.

Exemptions by 55 G. 3. not to be affected.

XII. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed 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 Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

XIII. Pro-

No Toll to be charged on Carriages carrying Timber to Scarborough, on their returning next Day empty.

XIII. Provided also, That nothing in this Act contained shall extend, or be construed to extend to charge the Owners or Drivers of any Waggons, Carts, or other Carriages, carrying Timber to *Scarborough* aforesaid, with any Toll or Duty upon their returning the next Day empty, the Owners or Drivers thereof producing a Note or Ticket signifying that such Toll or Duty was paid for such Waggon, Cart, or Carriage the Day before; any thing herein contained to the contrary notwithstanding.

Owners or Drivers of Waggons in the Service of His Majesty, not subject to any Penalty for Overweight.

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

Disputes as to Tolls to be settled by a Justice.

XV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining, to sell such Distress, or to retain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen) shall be ascertained by a Justice of the Peace for the County, Riding, or District wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose, shall examine into the said Matter upon Oath of the Parties, or any Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs, to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus of the Money which shall arise by such Sale (if any) to the Owner or Owners thereof, on Demand.

Toll Bar Keepers not incompetent Witnesses.

XVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in any wise relating to the Tolls hereby granted or made payable, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be deemed incompetent to give Evidence in any Dispute, Suit, or Litigation, by reason of his or their being so appointed to collect the said Tolls.

Power to get Materials for

XVII. And be it further enacted, That so much of the said recited Act of the Thirty-eighth Year of His late Majesty, as authorizes the Surveyor

or Surveyors of the said Roads, or any other Person, to cut, gather, dig, and carry away any Materials for repairing the said Roads, shall be and the same is hereby repealed. the Road repealed.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the said Roads, or any Bridges, Culverts, Walls, or Fences necessary thereto, out of and from any Commons and Waste Grounds, common River, Brook or Pit, in any Parishes, Townships, or Places in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parishes, Townships, or Places, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees, or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of any Two or more Justices of the Peace for the County or District in which the Lands shall be situate, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from and out of the private or inclosed Lands and Grounds of any Person or Persons, in any Parishes, Townships, or Places in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place where the same may be had or found, (such Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situate, on Seven Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages. Surveyors empowered to get Materials for repairing the Roads.

XIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, take, and carry away any Stone or other Materials, for making or repairing the said Roads, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands and Grounds, until Ten Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Premises Notice to be given to Occupiers of Land before Materials taken.

mises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall not attend pursuant to such Notice, or shall attend, but shall not shew sufficient Cause to the contrary, such Justices shall if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stones and Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Application of Compensation if amounting to 200*l.*

XX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of the said recited Act and this Act, of any Bodies Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or Tenant in Tail, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands 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 same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, and 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 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime 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 and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

Where less than 200l. and above 20l.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Trustees (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 therefrom may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where Compensation under 20l.

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees 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.

Purchase Money to be paid into the Bank of England in certain Cases.

XXIII. 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 Lands or Hereditaments to be purchased, taken, or used by virtue 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 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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded 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 or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same

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 Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of 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 Expences to be paid by Trustees.

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

Gates to open inwards.

XXVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, adjoining the said Roads, shall be made to open into or towards any Part of the said Roads, or suffered to continue so to open, except the hanging Post thereof shall be Twenty Feet at least from the Centre of such Part of the said Roads; and that it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting, to order all such Gates as are now hung or erected, or may hereafter be hung or erected, and which open and swing outward towards the said Roads,

to

to be altered and made to swing inwards; and if any Occupier or Occupiers of the Land upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, contrary to the Meaning of this Act, shall not within Ten Days after Notice to him, her, or them given, either personally or in Writing from the Clerk or Surveyor of the said Roads, cause such Gate to be hung so that the same shall not open outward or swing towards the said Roads, or so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath or Causeway belonging thereto, the Clerk or Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made thereof to any Justice of the Peace acting in and for the said Riding, and Proof of such Neglect or Default, by the Oath of One credible Witness, pay to such Clerk or Surveyor, such Sum as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings.

Penalty on Persons damaging or injuring the Road, or committing Nuisances thereon.

XXVII. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footway, upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to, any such Causeway or Footway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the said Roads or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads, shall ride upon the Shafts or any other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person or Persons shall turn loose, or permit or suffer any Beast or Swine to run loose, or stray or graze or depasture on the said Roads, or on the Side or Sides thereof; or if any Person after having blocked or stopped any Carriage whatsoever, in going up any Hill or rising Ground, shall leave or permit or suffer to be or remain on the said Roads, or any of them, the Stone or other Thing made use of in the blocking or stopping of such Carriage; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games whatsoever, on any Part of the said Roads, to the Annoyance of any Passenger or Passengers; or shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons not being the Surveyor or Surveyors thereof, or authorized by him

him or them, shall lay any Timber, Stone, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, between the Road and Fences erected or to be erected on the Side thereof, or shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, or the Sides thereof, or shall remove or carry away any Mud, Soil, or other Matter or Thing which shall have been scraped and placed thereon, or on the Sides thereof, under the Authority of the said Trustees, or such Surveyor or Surveyors, unless the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct; or if any Person or Persons shall plough or break up any of the Soil between the Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute Work.

XXVIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Work on the said Roads, shall be and the same is hereby repealed; and that from and after the passing of this Act, 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 Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required and empowered upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, or by their Order, and also upon giving at least Ten Days previous Notice in Writing, to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Roads pass, of such Application, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes, Townships, or Places, in which the said Roads lie; 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 as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Seven 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 are or may be directed by any Law or Statute in force 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 subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days

and on such Times (not being Haytime or Harvest) and on such Parts of the said Roads, within the said respective Parishes, Townships, or Places, as the said Trustees, or any Five or more of them, 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 Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as such 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 Five Days Notice in Writing given to or left for him, her, or them, at his, her, or their 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 for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, and shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of this Act.

XXIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with legal Interest on the Money advanced for that Purpose, from the Time of advancing or disbursing the same, shall be paid out of any Money which hath arisen by virtue of the said recited Act, or out of the first Monies which shall arise by virtue of this Act.

Public Act.

XXX. 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.

XXXI. And

Term and Continuance of this Act.

XXXI. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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