



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 69.

An Act for amending, altering, and keeping in Repair, the Road from the Turnpike Road between *Burnley* and *Colne*, in the Township of *Marsden* in the Parish of *Whalley*, in the County Palatine of *Lancaster*, to the Town of *Gisburn* in the West Riding of the County of *York*, and from thence to the Turnpike Road leading from *Skipton* to *Settle*, at or near the Town or Village of *Long Preston* in the said County of *York*.

[11th June 1803.]

WHEREAS the Road leading from the Turnpike Road between *Burnley* and *Colne*, in the Township of *Marsden* in the Parish of *Whalley*, in the County Palatine of *Lancaster*, through the several Townships of *Marsden* aforesaid, and *Barrowford* in the said Parish of *Whalley*, and also through the several Townships of *Brogden*, *Barnoldswick*, *Midhop*, *Rimington*, and *Gisburn*, in the West Riding of the County of *York*, and from thence through the several Townships of *Gisburn* aforesaid, *Horton*, *Newsholm*, *Nappa*, *Swinden*, *Hellifield*, and *Long Preston*, in the said West Riding of the County of *York*, to the Turnpike Road leading from *Skipton* to *Settle*, at or near the South End of the Town or Village of *Long Preston*, (all which said last mentioned Townships are in the several

[Loc. & Per.]

14 K

Parishes

Trustees.

Parishes of Barnoldswick otherwise Gill Church otherwise Saint Michael la Gill, Gisburn, and Long Preston aforesaid, in the said County of York), is much out of Repair; narrow, and incommodious, and cannot be effectually amended, widened, turned, varied, altered, improved, and kept in Repair, by the ordinary Course of Law: 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 Sir John Aubrey Baronet, John Adamson Clerk, Edward Armistead, Henry Aspinall, James Brogden, Anthony Baldwin of Gisburn Cotes, Richard Henry Beaumont, William Beanland, Abraham Beanland, John Bell, John Berry, James Berry, Christopher Beverley, John Binns, William Birkbeck, John Birkbeck, William Birkbeck the younger, Alexander Birtwhistle, Robert Birtwhistle, William Birtwhistle, Joseph Bowman Clerk, William Brierecliff, William Brayshay the younger, Joseph Brayshay, John Brayshay, John Bulcock, the Honourable John Cust, the Honourable Henry Cust, the Honourable Robert Curzon, Thomas Collins Doctor in Divinity, Stephen Carr, Richard Carr, William Clapham, John Clapham Clerk, Thomas Clayton, Edward Clayton, John Clayton, Thomas Cockshot, John Cockshot, Thomas Cockshot the younger, John Cooper, William Cooper, Henry Croft Clerk, William Crook, Henry Crook, Joseph Crook, John Crook the younger, Richard Cross, Henry Owen Cunliffe, Danson Richardson Currer, John Dean the younger, Jonathan Dickenson, Henry Eastwood, Richard Ecroyd, Henry Ecroyd, Richard Eddleston, John Eltoft, Thomas Eltoft, James Fox, William Farrington, Webster Fishwick, James Fishwick the younger, Richard Folds, Jeffry Folds, Thomas Forshaw, Samuel Fletcher, Henry Greenwood, John Greenwood, Christopher Grimshaw, Thomas Grimshaw, Richard Halstead, Lawrence Halstead, James Hammerton, James Hammerton the younger, Gilbert Hammerton, John Hargreaves Clerk, James Hargreaves of Burnley, James Hargreaves of Stone Edge, John Hargreaves of Ormerod House, Thomas Hargreaves of Ockenshaw, Thomas Hargreaves of Primm Bridge, John Hargreaves of Barrowsford, James Hargreaves of Firtrees, Jonathan Hargreaves, Robert Hargreaves, Robert Hargreaves of Middlehouse, William Hargreaves, John Hargreaves of Wheatley, John Hartley Clerk, Richard Hartley of Swinden, Richard Hartley of Bradley, William Hartley of Bradley, James Hartley of Fulshaw, William Hartley of Gisburne, Thomas Hartley, Henry Heyhurst, Thomas Heaton Clerk, Theodore Heelis, Thomas Hind, John Holgate of Burnley, John Holgate the younger of Burnley, James Holgate of Burnley, John Holmes, Thomas Haworth, John Hoyle, Samuel Howard, Joshua Hitchon, Joshua Hitchon the younger, Lawrence Hitchon, Egerton Hitchon, Ambrose Hitchon, William Hitchon, Ignatius Ingham, John Lister Kay, William King, Robert Knowles Clerk, Thomas Lister Doctor of Laws, Anthony Lister, Anthony Lister Clerk, Richard Grimshaw Lomax, William Mallison, William Marriott, Wilson Marriott, Joseph Massey, James Massey, William Midgeley, Shackleton Midgeley, Richard Moon, John Moore, Norman Munn, William Myers, Samuel Newton, John Nightingale, Joseph Nightingale, Thomas Nightingale, Peter Ormerod, Oliver Ormerod, Thomas Paley, George Paley, Thomas Lister Parker, Thomas Parkinson of Sawley Grange, John Parkinson of Winterbourne, John Parkinson of Otterbourne, James Parkinson, John Parr, Thomas Parker of Alkincoate, Robert Peacop, Jonathan Peel, Thomas Peel, Richard Peel, James Piccup, John Pilkington, William Preston, the Honourable Frederick Robinson, John Rawes Clerk, James Ridehalgh, John Rigby, John Roberts of Hesketh, William Roberts of Northwood, William Roberts of Burnley,

Burnley, Hugh Roberts, James Roberts, John Roberts of Thorneyholme, John Rothwell, William Robertshaw, Ambrose Robertshaw, John Robertshaw, Josias Robinson, James Robinson of Twiston, William Roundell Clerk, Richard Henry Roundell, Martin Richardson, Francis Sagar, Oates Sagar, William Sagar, Richard Sagar of Colne, Richard Sagar of Nappa, Richard Sagar of Southfield, John Sawley, John Shaw, Robert Shuttleworth, Elias Smethurst, Robert Smith Clerk, Joshua Smith, James Speak, Henry Speak, Thomas Speak, William Standen, Edward Standish, Le. Gendre Pearce Starkie, Thomas Starkie, David Swale, John Swingleburst, Christopher Tattersfall, Laurence Tattersfall, Hugh Taylor, Stephen Tempest, John Tennant, Thomas Tipping, John Tipping, John Thornber, Charles Townley, John Townley, Peregrine Townley, Benjamin Townson, John Topper, Sagar Veevers, Richard Wroe Walton, James Walton, Robert Walsh, Robert Walsh the younger, Samuel Westerman, Thomas Whitaker, John Whitaker, John Whitaker the younger, John Whittam of Pheasantford, John Wilkinson of Slaidburn, Richard Wilkinson of Hillfield, Thomas Wilkinson of Colne, Thomas Whitaker, James Wilson of Highbroyd, Thomas Whyman, Thomas Dunham Whitaker Doctor of Laws, Thomas Yorke, John Yorke, Henry Yorke, Edmund Yorke, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, turning, varying, altering, improving, and keeping in Repair, the said Road herein-before mentioned and described.

II. And be it further enacted, That upon the Death, Refusal, or Disability to act of any of the Trustees hereby appointed, or their Successors, to be elected as herein-after mentioned, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time, to elect and appoint One other Person qualified as herein mentioned to be a Trustee in the room of every Trustee so dying, refusing, or being incapable to act as aforesaid, Notice in Writing of the Time and Place of Meeting for every such Election having been given by the Clerk to the said Trustees, in like Manner as the other Notices for Meetings are hereby directed to be given, at least Fourteen Days before every such Meeting; and that every such new Trustee so to be elected and appointed as aforesaid, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustees herein-before nominated are hereby empowered to act.

New Trustees
may be
chosen.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds, or shall be possessed of or entitled unto a Personal Estate of the Value of One thousand Pounds, nor (except in administering the Oath following) before he (not being such Heir Apparent) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Qualification
of Trustees.

‘ I, A. B.

Oath.

‘ I, *A. B.* do swear, That I truly and *bonâ fide* am seised of in my own
 ‘ Right [*or, in the Right of my Wife, as the Case may be*] and in the
 ‘ actual Possession, Enjoyment, or Receipt of the Rents and Profits of a
 ‘ Real Estate in Law or Equity of the clear yearly Value of Fifty Pounds,
 ‘ [*or, possessed of a Personal Estate of the Amount of One thousand*
 ‘ Pounds.

‘ So help me GOD.’

And if any Person not being so qualified shall presume to act 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 in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Impar lance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

No Attorney
to act while he
practises as
such.

IV. Provided also, and be it further enacted, That no Attorney or Solicitor shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall practise as such Attorney or Solicitor.

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

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act in the Name of their Clerk; and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Seven or more of them, but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs and Charges as by the Event of any such Proceedings he shall be put unto, or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

First and sub-
sequent Meet-
ings.

VI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together at some Publick House in the Town of *Gisburn* aforesaid on that Day Four Weeks next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall proceed in the Execution of this Act, and shall then adjourn themselves and afterwards meet at some convenient Place or Places on or near the said Road, or within Four Miles thereof, and may make such further Adjournments from Time to Time as they shall think proper or convenient for putting this Act in Execution: Provided nevertheless, that if at any such Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, then

then and in every such Case the Clerk to the said Trustees shall, by Notice in Writing to be affixed upon all the Turnpikes then erected by virtue of this Act, and in the mean Time, or until the Erection of such Turnpikes, upon the principal Door of the several Churches and Chapels of *Burnley, Gifburn, and Long Preston* aforesaid, at least Ten Days before the then next proposed Meeting, appoint the Trustees to meet at the same Place on that Day Three Weeks next after the Day on which such proposed Meeting was appointed to have been holden, and so from Time to Time the said Clerk shall appoint a Meeting every Three Weeks until a sufficient Number of Trustees shall be present to act or to appoint another Meeting by Adjournment (Three Trustees being deemed sufficient for the Purpose of Adjournment only); and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in or touching the Execution of this Act, shall be made at Meetings to be holden in pursuance thereof, and not otherwise (except as herein particularly mentioned); and that none of the said Trustees shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act; and that all Trustees who are Justices of the Peace may act as such in the Execution of this Act, except only in such Cases where they shall be personally interested.

Trustees to
defray their
own Ex-
pences.

VII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the respective Meeting shall have been adjourned; the Clerk to the said Trustees, by an Order in Writing, signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place, and Purpose of such Meeting, shall forthwith give Notice thereof in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Twenty Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

Meetings on
Emergencies.

VIII. And be it further enacted, That no Order made by any Seven or more of the said Trustees respectively shall be revoked or altered, unless Nine Trustees at the least shall be then present, and Three-fourths or more of them shall concur therein, and unless Notice shall have been given by Five Trustees to the Clerk to the said Trustees, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a view to revoke or alter the same; and in such Case, Notice shall be given by the Clerk, Fourteen Days at the least before such Meeting, to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order: Provided always, that no Act, Order, or Determination shall be done or made at any Meeting of the said Trustees, without the Consent of a Majority of the Trustees present at such Meeting.

No Order to
be revoked
unless Nine
Trustees con-
cur.

IX. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby empowered, from Time to Time, to appoint a Gate Keeper or Gate Keepers, or Toll Gatherer or

Officers.

Toll Gatherers at the several Toll Bars or Toll Gates to be erected upon the said Road, and also a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officer or Officers as they shall think necessary to employ in the Execution of this Act, and shall take such Securities for the due Execution of their respective Offices as they the said Trustees, or a Majority of them present at such Meetings, shall think fit, and may from Time to Time remove such Gate Keepers or Toll Gatherers, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any of them, and appoint others in their stead, and out of the Monies to arise by virtue of this Act, allow such Gate Keepers or Toll Gatherers, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and such other Person or Persons as shall be assisting in and about the Execution of this Act, such Salaries or Allowances as to them the said Trustees, or any Seven or more of them, shall seem reasonable; and that all such Treasurers, Clerks, Surveyors, and other Officers, and their respective Executors and Administrators, shall from Time to Time, when thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or to such Person or Persons as they or any Seven or more of them shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them, respectively had, collected, or received, and how, when, and to whom, and for what Purpose the same and every Part thereof shall have been applied and disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the same on Oath as aforesaid, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Trustees, or any Seven or more of them, all Books, Accounts, Papers, and Writings in their Custody or Power in any wise relating to the Execution of this Act, or to the said Road, and Complaint shall be made of such Neglect or Refusal to any Justice of the Peace for the County, City, Borough, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, by, or on Behalf of the said Trustees, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Officers, Person or Persons to be brought before him, and upon his or their appearing, or not appearing, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or War-

rants

rants under his Hand and Seal, to cause such Money, together with the Costs and Charges of levying the same, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Account, or of the Articles thereof upon Oath as aforesaid, or to produce and to deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, and the Books, Accounts, Papers, and Writings, or any of them, in his, her, or their Custody or Power relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol of the County, City, Borough, Riding, or Place where he, she, or they shall be or reside, there to remain without Bail or Mainprize until he, she, or they shall have delivered in and settled his, her, or their Accounts, and have verified the same on Oath, and shall deliver up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her, or their Hands respectively, and the reasonable Charges of such Distress and Sale, as shall in that Respect have been made; or until he, she, or they shall have compounded with the said Trustees respectively for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Seven or more of them, are hereby in such Case empowered to make) or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

X. Provided always, and be it further enacted, That as often as any Collector of the said Tolls or other Officer shall die or misbehave himself or herself, or become incapable of performing his or her Duty, it shall be lawful for any Seven or more of the said Trustees, though not assembled at a publick Meeting in pursuance of this Act, by any Writing under their Hands, to displace such Collectors and other Officers so misbehaving or becoming incapable of performing their Duty, and appoint others in their stead, and also in the stead of such of them as shall so die; and all such Collectors and other Officers so appointed shall have the same Authority to act in the Execution of their respective Offices as the Person or Persons whom they shall so succeed was or were vested with, until the said Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector or other Officer as aforesaid.

For appointing Collectors occasionally.

XI. And be it further enacted, That if any Collector or Toll Gatherer shall at any Time or Times neglect or refuse to quit his or her Employment, conformably to the Orders of the said Trustees, or any Seven or more of them, or in pursuance of any Order made for displacing

Gate Keepers to deliver Possession of Gates, etc. when required.

placing such Collector as last herein-before mentioned, and to deliver up the Possession of the Turnpike or Toll Gate, or Toll House, or other House or Building belonging to them the said Trustees, to the said Trustees, or to such Person or Persons as they, or any Seven or more of them, as the Case may be, shall appoint, and shall be convicted of such Neglect or Refusal before One or more Justice or Justices of the Peace for the County, Riding, or Place wherein such Offences shall be committed, either upon the Confession of the Party, or by the Oath or Oaths of One or more Witness or Witnesses, then it shall be lawful for such Justice, and he is hereby required to issue his Warrant to some Constable, Tythingman, or other Officer of the Peace of the said County, Riding, or Place, to turn such Collector or other Person out of the Possession of the said Turnpike or Toll Gate, and Toll House, or other House or Building, and to take and deliver the Possession thereof to such Person or Persons as the said Trustees, or any Seven or more of them, (as the Case shall be), shall have directed or appointed in Manner aforesaid, and also to bring the Collector or Collectors, or other Person before such Justice, who is hereby empowered and required to commit him, her, or them to the House of Correction for the said County, Riding, or Place, there to be kept to hard Labour for any Time not exceeding Six Calendar Months.

Trustees may
erect Toll
Gates and
Houses.

XII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect and set up, or cause to be erected and set up such and so many Gates or Turnpikes in, upon, across, or on the Side or Sides of any Part of the said Road, and also a Toll House, and proper and necessary Buildings, Gardens, Conveniencies, and Fences near to each such Gate or Turnpike as the said Trustees, or any Seven or more of them, shall think proper; and that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint, at each of the said Toll Gates or Turnpikes, before any Horses, Cattle, or Carriages shall be permitted to pass through the same; (that is to say),

Tolls.

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

For every Score of Oxen, or Neat Cattle, the Sum of One Shilling and Three-pence, and so in Proportion for any greater or less Number :

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Seven-pence Halfpenny, and so in Proportion for any greater or less Number :

For every Coach, Chariot, Landau, Berlin, Chaise, Carricle, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage, drawn by Six or more Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling :

For every Chaise or Chair, or other such like Carriage, drawn by One Horse or other Beast of Draught, the Sum of Sixpence :

For every Narrow-wheeled Waggon, Wain, or other such Four-wheeled Carriage, drawn by Four Horses or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling :

For

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, drawn by Eight Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Seven Horses or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Six Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five Horses or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence:

For every Nine-inch wheeled Waggon, Wain, or other such Four-wheeled Carriage rolling a flat Surface of Sixteen Inches, drawn by Four, Five, Six, Seven, or Eight Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or other Beasts of Draught, the Sum of Eight-pence:

For every Narrow-wheeled Cart or other such Two-wheeled Carriage, drawn by Three Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

And that on every *Sunday* during the Continuance of this Act, there shall be demanded and taken at any of the Turnpikes or Toll Gates to be erected by virtue of this Act, by such Person or Persons so to be nominated and appointed as aforesaid, before any Horse, Cattle, or other Beast, or any Waggon, Wain, Cart, or other Carriage shall be permitted to pass through the same, Double the Tolls before directed to be taken on any other Day in the Week.

Double Tolls
to be taken on
a *Sunday*.

To pay Twice
on the same
Day if they
travel through
any of the
Gates Five
Times within
Twenty-four
Hours.

XIII. And be it further enacted, That if any Horse, Cattle, or other Beast, upon which any Toll is by this Act imposed, or any Waggon, Wain, Cart, or other Carriage, shall pass through any Turnpike or Toll Gate to be erected by virtue of this Act, Five Times or more in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, every such Horse, Cattle, or other Beast, and every such Waggon, Wain, Cart, or other Carriage, shall be subject and liable to pay Double the respective Tolls herein-before granted, which said respective Sums of Money shall be demanded and taken in the Name of or as Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, or Thing so distrained, returning the Overplus, (if any there be), upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of making such Distress and Sale, shall be deducted; and that all Tolls collected and levied by virtue of this Act upon the said Road, shall be and the same are hereby vested in the said Trustees, and shall be applied and disposed of in such Manner as is herein after mentioned.

For obviating
Difficulties re-
specting Wag-
gons with
Wheels of
different
Breadth.

XIV. And, to obviate any Doubts which may arise with respect to such Four-wheeled Carriages as consist of Two Wheels of the Breadth of Six Inches, and Two of a less Breadth, be it further enacted, That all such Carriages with Four Wheels, Two whereof shall be of a less Breadth than Six Inches, although the other Two shall be of a greater Breadth, which shall pass through any Gate or Turnpike erected or to be erected upon the said Road, shall be liable to and charged with the Tolls and Duties by this Act imposed upon every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches.

Tolls may be
varied.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered, by and with the Consent of the Person or Persons who shall be entitled to Two-thirds of the Money which shall have been advanced upon the Credit of the Tolls, and shall be then unpaid, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Tolls herein-before mentioned; and also from Time to Time to direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts or Proportions at the several Turnpike Gates erected or to be erected upon the said Road, in pursuance of this Act, as they shall think proper; and that such reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed

directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls after the First Meeting, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected upon the said Road.

XVI. Provided always, and be it further enacted, That no more shall be paid for any Horse, Cattle, or Carriage, in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night), than One Toll for passing or repassing through each Turnpike Gate or Toll Gate to be erected by virtue of this Act upon the said Road, (except as herein-before excepted); but that all and every Person and Persons, after having paid Toll as aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass and repass with the same Horse or Horses, Cattle and Carriage, Toll Free, during such Day, through such Gate or Turnpike; and all the respective Collectors of the said Tolls are hereby required to deliver such Notes or Tickets *gratis*, on Receipt of the Tolls.

Only One Toll in One Day to be paid at each Gate, except as herein-before is excepted.

XVII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, or Carriage whatsoever, pass through any Land, Ground, or Hereditaments, belonging to any Person or Persons whomsoever, or through or over any Common or Waste Ground adjoining to or lying near any Turnpike or Toll Gate to be erected by virtue of this Act, (the same not being a publick Highway or ancient private Road), or if any Owner or Occupier of such Land, Ground, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, or Carriage whatsoever, to pass through the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or Cattle from any such Carriage, or shall leave or cause to be left upon or near to any Part of the said Road, any Horse, Cattle, or Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, without Payment of Toll; or if any Person shall forge or counterfeit, or offer to dispose of any Note or Ticket denoting the Payment of Toll, to any other Person whomsoever, in order to evade the Payment of the said Tolls; or if any Person shall receive or make Use of the same with that Intent, or shall do any other Act with an Intent to evade Payment of Toll, or whereby such Payment shall be evaded, every Person so offending, in each and every of the Cases aforesaid, shall for every such Offence respectively forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are by this Act directed to be applied.

Penalty for evading Tolls.

XVIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls due, or Charges of distraining or selling the Distress, as the Case may happen, be ascertained by One or more Justice or Justices of the Peace for the County, Riding,

For settling Disputes concerning Tolls.

Riding, or Place where such Distress may be made as aforesaid, who; upon Application made to him or them for that Purpose, shall examine the Matter on Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice or Justices; all which Sums so determined and assessed shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus, after Sale thereof, or any Part thereof.

Exemptions
from Toll.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages of whatsoever Description, employed or to be employed in carrying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers upon their March, or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting the Sick; nor of or from any Person or Persons going to or returning from his, her, or their parochial Church, Chapel, or other Place of religious Worship on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall be attending or going to attend, or returning from attending the Funeral of any Person or Persons who shall die or be buried in any Township, Hamlet, or Place through which the said Road doth or shall pass; nor for or in respect of any Cattle or Carriage laden only with Gravel, Stone, or other Materials for repairing the said Road, or any Road in any of the Townships, Hamlets, or Places in which the same do lie, or Dung, Mould, Marl, Soil, or Compost, of any Nature or Kind whatsoever (Lime excepted) for manuring any Garden or other Lands or Grounds within any of the Townships, Hamlets, or Places in which any Toll Gate is or shall be erected on the said Road, or in any of the adjoining Townships, Hamlets, or Places; or Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, or any Corn conveying to or returning from any Soke Mills on the Line of the said Road, to which the Owner of such Corn shall owe Suit and Service, Turnips or Potatoes, to be laid up in the Houses, Outhouses, Barns, or Yards, or Premises of the respective Inhabitants or Occupiers of Land within the said respective Townships, Hamlets, or Places, being the Growth and Produce of Land held and occupied by the respective Inhabitants or Occupiers within such respective Township, Hamlet, or Place, and carried for their own private Use and Consumption only, and not for Sale; nor for any such Cattle or Carriage going only to be or returning after having been only so employed; nor shall any Toll be demanded or taken for any Horses or Cattle drawing any empty Carriages not used for Pleasure, and being the Property of any of the Inhabitants of such respective Townships, Hamlets, or Places; nor for any Cattle drawing a Carriage going with or going empty for, or returning empty after having been laden with any Plough, Harrow, or other Instrument of Husbandry also belonging

longing to any such Inhabitant or Occupier; nor for any Horse or Horses, or other Cattle or Stock of any Kind going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to or returning from any Smith or Blacksmith's Shop to be shoed; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; nor of or from any Person or Persons going to vote, or returning from voting at any Election of a Member to serve in Parliament for the County of *York*, or for the County Palatine of *Lancaster*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XX. Provided also, and be it further enacted, That no Toll shall be demanded or taken at any Side Gate or Turnpike on the Line of the said Road for any Horse or other Beast, or Cattle, which shall only cross the said Road, and which shall not go or travel or be driven thereon exceeding the Distance of One hundred Yards.

No Toll to be demanded for crossing the Road.

XXI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or the Recovery thereof, 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 be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors of Tolls competent Witnesses.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, during the Continuance of this Act, to set up or erect, or cause to be set up or erected any Turnpike Gate or Toll Bar in, upon, across, or on the Side or Sides of such Part of the said intended Road as lies between a Lane called *Halton Lane*, and another Lane called *Hellifield Lane*, both in the Township of *Hellifield*, in the County of *York*, or within One hundred Yards of each of the said Lands.

Restraining the Trustees from erecting a Gate between *Halton Lane* and *Hellifield Lane*.

XXIII. And be it further enacted, That the Right and Property of all the Turnpikes or Toll Gates, Bars, Rails and Fences, Toll Houses, and Buildings, to be erected or provided by virtue of this Act, and the Right and Property of the Materials to be provided for erecting, building, or repairing the same, or any of them respectively, and also of all the Tools, Materials, and other Requisites got, provided, or collected for any of the Purposes of this Act, shall be and are hereby vested in the said Trustees, and they, or any Seven or more of them, are hereby empowered to dispose thereof as they shall think proper, for the Purposes of this Act, and bring or cause to be brought any Action or Actions, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall take, steal, carry away, break down, injure, or spoil the same, or any Part thereof, or disturb the Trustees, their Agents, or Servants, in the Possession thereof.

Turnpikes, &c. vested in Trustees.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, after giving Twenty-one Days

Power to lease the Tolls.

[*Loc. & Per.*]

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Notice

Notice in Writing, to be affixed on all the Turnpikes which shall be then erected upon the said Road, and after advertising the same in some Newspapers circulating in the West Riding of the said County of York, and in the said County of Lancaster, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years, not exceeding Three Years at any One Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants as the said Trustees, or any Seven or more of them, shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised, for Payment of such Rents and Performances of the Covenants to be reserved and comprised in such Lease or Leases, by Bond or otherwise, as the said Trustees, or any Seven or more of them, shall think fit.

Trustees may compound for Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, to compound for any Term, not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Beasts, or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriages, Horses, Beasts, or Cattle, and such Composition Money shall be paid in Advance quarterly, or otherwise, as the said Trustees shall think fit; and in Default thereof, the Composition to be void.

For borrowing Money.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands and Seals, or by any other Words to the like Effect; (*videlicet*),

Form of Mortgage.

BY virtue of an Act, passed in the Forty-third Year of the Reign of His Majesty King George the Third, intituled, [*here set forth the Title of this Act*] We, Seven of the Trustees for the Road therein mentioned, in Consideration of the Sum of
to the Treasurer of the said Road in Hand paid, do grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of
doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, to be had and holden from this
Day of
in the Year of our Lord
for and during the Continuance of the said Act, unless the said Sum of
with Interest, at the Rate of
per Centum per Annum, shall be sooner repaid and satisfied.

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls at any Meeting subsequent to the First Meeting, unless Notice in Writing, expressing the Purpose of such subsequent Meeting, be previously affixed upon all the Turnpikes or Toll Gates then erected upon the said Road; at least Fourteen Days before such Meeting; and all Persons to whom such Mortgages shall be made as aforesaid; or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured; to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing or Writings, before One credible Witness, in the following Words; or Words to the like Effect; (*videlicet*),

I DO transfer this Mortgage [*or, a certain Mortgage, &c. as the Case may be*] with all my Right and Title to the Principal thereby secured, and to all Interest now due upon the same, unto
Executors, Administrators, and Assigns. Dated this
Day of *A. B.*

Form of
Transfer.

Which Transfer shall be produced and notified within Thirty Days after the Date thereof to the Clerk or Treasurer of the said Road, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sums as the said Trustees, or any Seven or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and all Persons to whom any Mortgage or Transfer shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted in equal Degree, One with another, and shall have no Preference with respect to the Priority of any Monies advanced.

XXVII. And be it further enacted, That all Charges and Expences incident to and attending the obtaining and passing of this Act, shall in the First Place be paid and defrayed out of the Tolls to be collected by virtue of this Act, or out of the First Money borrowed on the Credit of such Tolls, or received by virtue of this Act, and the Remainder of the Money so raised or received, shall from Time to Time be applied in repaying the Principal Money borrowed pursuant to this Act, and the Interest thereof, and in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever.

Application
of the Money.

XXVIII. And be it further enacted, That the Surveyor or Surveyors of the said Road, and such other Person or Persons as shall be employed by him or them for that Purpose, is and are hereby empowered, under the Restrictions mentioned in an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating*

Surveyors
may take
Gravel, Sand,
etc. filling up
Pits, etc.

regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials proper for the repairing of the said Road from any Waste Grounds or Commons, Rivers or Brooks in any Parish, Township, or Place wherein any Part of the said Road lies, or in any neighbouring Parish, Town, or Place (except Stone from Quarries open and in working, and except Gravel, Sand, Stones, and other Materials within Fifty Yards Distance from the Foot of any Weir, Mill Dam, or River, or Lock or Locks) without paying any Thing for the same, such Surveyor or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing such Pits, so as that the same shall not be dangerous to Passengers or Cattle; and also, by Order of the said Trustees, or any Seven or more of them, but under such Restrictions as aforesaid, to get, take, and carry away such Materials, in, upon, and out of, through, from, and over the Lands of any Person or Persons whomsoever, the same not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, (after paying or tendering to the Owners or Occupiers of such Lands such a Sum by way of Recompence for the Damage to be sustained, as the said Trustees, or any Seven or more of them, shall judge reasonable; and in case the Owners or Occupiers of such Lands shall refuse to accept the Sum offered, the Justices of the Peace for the said West Riding of the said County of *York*, and the Justices of the Peace for the said County of *Lancaster*, at their respective next General Quarter Sessions to be holden for the said West Riding and County of *Lancaster*, in which the said Premises shall lie, shall and may assess, adjudge, and finally determine the same.

Notice to be given to Occupiers of Lands before Materials are taken for repairing the Roads.

XXIX. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, or carry away Materials for making or repairing the said Road out of or from any uninclosed Lands or Grounds, until 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 the said Trustees, or any Two or more Justices of the Peace acting for the County, Riding, or Place, where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or his Agent, the said Trustees or 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 such Occupier or his Agent had attended.

Penalty on taking away Materials.

XXX. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take away any Materials which shall have been dug or gathered in any Ground, River, or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been

been made for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground for his private Use, and Persons authorized by him to get Materials therein for his proper Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, the same to be recovered, levied, and applied in Manner herein-after mentioned.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and to cut down, lop, or top any Trees, Shrubs, or Bushes, growing or to grow on the said Road, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House), and to take and carry away the same in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or any Seven or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees or any Seven or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act, are herein directed to be recovered and applied; and if after removing any of the said Annoyances any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Surveyors may remove Annoyances.

XXXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person or Persons, by them or any of them, or by the said Trustees, or any Seven or more of them, employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties on obstructing Surveyor.

XXXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose

May make Causeways.

[Loc. & Per.]

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from

from the said Trustees, or any Seven or more of them, to make or cause to be made any Causeway or Causeways for the Use of Foot Passengers, along any Part of the said Road, in such Manner as they shall see convenient, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto; and erect, rebuild, and keep in Repair, Bridges and Arches upon the said Road, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (such Grounds respectively not being the Ground whereon any House stands, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery of Trees) to be made use of by all Passengers, Cattle, and Carriages as a publick Highway, whilst such ruinous or narrow Part of the said Road be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same; making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Seven or more of them, (but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground); and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace for the County, Riding, or Place, in which such Premises shall lie, or at their Second Quarter Sessions of the Peace at the farthest, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Penalties on riding and driving Cattle on Footways.

XXXIV. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or other Way or Ways to be made upon the said Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle or Swine, upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings, and if any Horse or Horses, Cattle or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Road, the Owner or Owners of such Horse or Horses, Cattle or Swine, shall respectively forfeit and pay any Sum not exceeding Five Shillings, to the said Surveyor or Surveyors, and he and they is and are hereby authorized and required to cause all such Horse or Horses, Cattle or Swine, as shall be found wandering or depasturing upon the said Road, or on the Sides thereof, to be impounded until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over and above the usual Fee to the Proprietor or Keeper of the Pound where such Horse or Horses, Cattle or Swine, shall be so impounded; and if any Proprietor or Keeper of any such Pound shall release any such Horse or Horses, Cattle or Swine, which shall be so impounded as aforesaid, without Consent of such Surveyor or Surveyors, every such Proprietor or Keeper shall for every such Offence forfeit and pay

pay any Sum not exceeding Twenty Shillings, and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them in leading or driving such Horse or Horses, Cattle or Swine to pound as aforesaid, he or they shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; which said several Penalties before mentioned shall be applied towards the repairing of the said Road, and to or for no other Purpose whatsoever.

XXXV. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Nine or more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen, turn, or alter the Course or Path of any Part or Parts of the Road to be made, repaired, and kept in Repair by this Act, for the Accommodation of Passengers, through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as are herein-after mentioned; and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the said Road hereby authorized to be made, widened, turned, or altered, are intended to pass, and to stake out and make the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such last mentioned Lands, Grounds, and Hereditaments respectively for any of the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Power to turn and alter the Road.

XXXVI. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be construed to extend, to enable the said Trustees to divert, alter, or turn the Course or Path of any Part of the said Road, lying between *Swinden Gill*, near *Swinden*, in the County of *York*, and an Estate near *Swinden* aforesaid, called *Tan House Croft*, to the East Side of the present Road leading from *Swinden* to *Long Preston* aforesaid.

Road not to be altered within certain Limits.

XXXVII. Provided always, and be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Meeting or Meetings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands their Intention or Desire of diverting, turning, or altering any Part or Parts of the said Road, then that Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Road, and also by inserting the same in One of the Newspapers usually circulated in the Counties of *York* or *Lancaster*, of the Time and Place, and Purpose of the said Meeting.

Thirty Days Notice to be given of diverting Roads.

XXXVIII. And

Trustees may
purchase
Lands, etc.

XXXVIII. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees, or any Seven or more of them, to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or *Cestuique* Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

If Parties do
not agree, the
Value of the
Premises to be
settled by a
Jury.

XXXIX. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any of the said Roads, and through which the same shall be intended to be made, diverted, turned, or altered as aforesaid, shall for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the respective Riding or County in which such Lands, Grounds, or Hereditaments shall be, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons as aforesaid, for or on Account of the making, diverting, turning, or altering such Road through such Lands or Grounds; and in order thereto the said Trustees, or any Seven or more of them, are hereby empowered and required from Time to Time to summon
before

before the said Jury, and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they the said Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present; Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Seven or more of them, are hereby empowered to issue out a Warrant or Warrants to the Sheriff of such of the said Counties in which such Lands, Grounds, or Hereditaments shall be, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve.

Sheriff to summon a Jury.

XL. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Seven or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, or refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, or refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein-after directed

Juries may be challenged, and Sheriffs fined for Default.

to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

Money allowed for Lands, etc. how to be charged and tendered.

XLI. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the Road so to be made, widened, turned, varied, altered, improved, and kept in Repair, or on the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the Trustees, for the Use of such Persons, and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents to enter into Possession of, and to lay such Land or Ground into the said Road, and to do all and every such Act, Matter, and Thing with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Road, shall be deemed and taken to be, and shall be to all Intents and Purposes a publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Road hereby appointed to be made, repaired, and widened are by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road so to be sold as aforesaid are directed to be applied; and all Deeds of Conveyances executed by the said Trustees, or any Seven or more of them, and enrolled with the Clerk of the Peace for the County, Riding, or Place in which such Lands lie, shall be good and effectual in the Law to all Intents and Purposes.

How the Expences of Jury shall be paid.

XLII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Rights, Interest, or Property of any Person or Persons in any Lands, Grounds, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning of the Jury, as a Recompence or 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, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Seven or more of them,

out

out of the Money to arise by virtue of this Act, but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in, 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 determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Seven or more of them, shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County, Riding, or Place, not interested in the Matter in question (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, 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 said Trustees, 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, Grounds, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith to the same or the like Uses, 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, Grounds, 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, Grounds, and Hereditaments shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of

Application of
Compensation
where exceed-
ing 200 £.

of making such Conveyance and 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 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Application where the Compensation does not exceed 200 l. nor less than 20 l.

XLIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, 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 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 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 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 (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 20 l.

XLV. 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 Hereditaments so purchased, taken, or used for the Purpose of this Act, as the said Trustees, or any Seven 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.

Trustees not to pull down Houses, &c. without Consent, &c.

XLVI. Provided always, and it is hereby enacted and declared, That the Power and Authority hereby given to the said Trustees shall not extend

extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, and Persons interested therein respectively, (other than and except so much of a Plantation, Garden, and Fold, within the Township of *Marsden*, belonging to *Ann Marriott* Widow, and in her Occupation; also of a Garden belonging to *William Suttcliffe*, and in the Occupation of *Philip Smith*; also of Two Gardens belonging to *Abraham Hargreaves*, and occupied by

also of a Garden and Plantation belonging to *James Walton*, and in the Possession of _____ also of a Garden, Fold, and Outhousing, belonging to and in the Possession of _____ *Smith* Widow; also of a Garden, Fold, and Outhousing, belonging to *Robert Crawshaw*, in the Possession of *Thomas Hodgson*; also of a Garden and Fold, belonging to *Robert Pate*, in the Possession of *Richard Stansfield*; also of a Garden, Fold, and Outhousing, belonging to *James Smith*, in the Occupation of *John Nutter*; also of a Fold and Garden, belonging to and occupied by *James Crook*; also of an Orchard or Garden, belonging to and in the Occupation of *Christopher Bulcock*; and also of a Garden and Fold, belonging to *James Wilson*, in the Occupation of _____ *Crook*; all which said last mentioned Premises are in the Township of *Barrowford* in the said County Palatine of *Lancaster*; and also so much of a Barn and Fold, belonging to the Reverend *John Holden*, in the Occupation of

also of a Garden and Orchard, belonging to _____ *Oddie*, in the Occupation of *James Pollard*, both which said last mentioned Premises are in the Township of *Middup* in the County of *York*; and also of a Garden and Plantation belonging to the Right Honourable *Thomas Lord Ribblesdale*, and in the Occupation of *Anthony Wilkinson*; and also a Garden belonging to the said *Thomas Lord Ribblesdale*, in the Occupation of *John Thornber*, both which said last mentioned Premises are in the Township of *Gisburn* in the County of *York*; and also an old House, Scite, Fold, and Garden, belonging to Messieurs *Bertwistle*, and in the Occupation of *Richard Sagar*, situate in the Township of *Nappa* in the said County of *York*, as shall be necessary for making the said Road in such respective Places of the Breadth of Twelve Yards; any Thing herein contained to the contrary in anywise notwithstanding.

XLVII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Grounds, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute or procure to be made and executed proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint, of the said Premises, for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances shall contain such usual and reasonable Covenants as shall on Behalf of the Trustees be required; and

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Upon Payment of Purchase Money, Conveyances to be executed.

in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do being thereunto required, such Sum or Sums of Money so agreed or awarded, or adjudged to be paid as aforesaid, being ready to be paid to him, her, or them, on making such Title, and tendered for that Purpose; or in case any Person or Persons entitled to the Premises for which such Sum or Sums of Money shall be so agreed, awarded, or adjudged as aforesaid, cannot be found in *Great Britain*, or in case by reason of Disputes depending in any Court or Courts of Law or Equity, or for defect of Evidence, it shall not appear to the said Trustees, or any Seven or more of them, what Person or Persons is or are entitled to the Premises in question, that then and in every such Case such Money shall 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 entitled to the same; and the said Money shall 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 the Dividend and annual Produce of the same 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act as aforesaid; and when and so soon as the Sum or Sums of Money so to be invested in the publick Funds shall be invested therein, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever, in Law and Equity, on all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption of, in, to, from, and out of the same Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

Trustees empowered to sell Ground, etc. not wanted for the Purposes of this Act.

XLVIII. And whereas by reason of the diverting, altering, or turning any of the Roads now existing in the Line of the intended Road, or by the diverting, altering, or turning the Road to be made by virtue of this Act, agreeably to the Power herein-before given for that Purpose, or by reason of the Purchases which the said Trustees, or any Seven or more of them, are hereby empowered to make by virtue of this

this Act, the said Trustees may happen to be seized of the Ground or Soil which formed the Roads so diverted, altered, or turned, or to be diverted, altered, or turned, by virtue of this Act, or some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to sell and dispose of such Grounds or Soil, Piece or Pieces of Ground, together or in Parcels, either by publick Sale or private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

XLIX. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Roads so diverted, altered, or turned, or to be diverted, altered, or turned, by virtue of this Act, or such Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell, as the Case may happen to be, to the Person or Persons who shall be the Owner or Owners of the Lands and Hereditaments lying on both Sides of such diverted Road, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands on both Sides of the said diverted Roads; or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or re-purchase as the Case may happen to be, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such diverted Roads or Piece or Pieces of Ground shall be, by some Person or Persons no way interested in the said diverted Roads, Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Roads, or of re-purchasing such Piece or Pieces of Ground, so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Seven or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, or any Seven or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Roads, Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable

Persons from whom such Grounds, etc. have been purchased to have the Preference.

able or accountable for any Misapplication or Non-application of such Money.

New Roads to be fenced.

L. Provided always, and be it further enacted, That the said Trustees shall, within the Space of Six Calendar Months next after they shall set out or stake, or cause to be set out or staked the Line of the intended Diversion of the said intended Road through the Lands or Inclosures of any Person or Persons whomsoever, and before such Diversion shall be open for the Publick, make or cause to be made on each Side of the said Road, through the said Lands or Inclosures, for the whole Length of the said Road, extending through the same, a good and sufficient Fence, with such Materials, and of such Height as such respective Lands and Inclosures at the Time of passing this Act shall then be fenced or inclosed with.

Persons liable to the Repair of the Roads, etc. to continue so.

LI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act (subject nevertheless to the Regulations hereinafter expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall be liable to the Repair of the said Road, and to perform their respective Works thereon in such and the like Manner, in every Respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively.

How the Statute Work shall be apportioned.

LII. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Road by the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road may pass; be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, being acting Justices of the Peace for the said Counties of *York* or *Lancaster*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Road hereby directed to be amended, widened, improved, and kept in Repair, and for what Space of Time, and in what Manner the same shall be done upon the said Road by the Inhabitants of each or any of the Parishes, Townships, Hamlets, Districts, or Places in or through which the said Road shall pass.

For regulating the Performance thereof.

LIII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor in all the Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall yearly and every Year, within Ten Days after Demand made to them respectively in Writing, by the Surveyor, Clerk, or Treasurer of the said Road, in pursuance of an Order under the Hands

Hands of Two or more of the said Trustees, being acting Justices of the Peace for the said County, Riding, or Place, give and deliver to the Person making such Demand a true and exact List or Account in Writing under their respective Hands of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, Districts, or Places who are by Law chargeable towards repairing the said Road in such Parishes, Townships, Hamlets, Districts, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and such respective Parish or Township Surveyor or Surveyors shall (within Four Days after Notice to them given by the said Turnpike Surveyor of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid are to perform their respective Statute or Days Works), summon or give Notice thereof, in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors shall neglect or refuse to do as he and they is and are required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Road, shall after such Summons or Notice as aforesaid neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Road; he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain to work on the said Roads, shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart had not been sent to work on the said Road, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the Course of the succeeding Year.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any of their Meetings, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways of all, every, or any of the Parishes, Townships, Hamlets, Districts, or Places (the Inhabitants whereof are liable to perform Statute Work on the said Road), to appear before the said Trustees at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by Way of Composition for Statute Work in their several and respective Parishes, Townships, Hamlets, Districts, or Places (which Account shall be verified upon Oath, if the said Trustees shall require the same); and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid, or if required to verify the same upon Oath, or to pay to the Treasurer of the said Road, or as the said Trustees shall direct, within Five Days from the

How Trustees may compel Surveyors of Highways to account for Composition Money.

[*Exp. & Per.*]

14 R

Time

Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors, or any of them, shall have received, or without their wilful Neglect or Default, might have received, that then in all or any of the said Cases, the Person or Persons so offending shall, for every separate Offence, forfeit and pay a Sum not exceeding Twenty Shillings nor less than Five Shillings.

Trustees may compound for Statute Work.

LV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road.

For recovering Composition Monies.

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

How Surveyors are to be reimbursed, and Composition Money paid by them.

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

LVIII. And

LVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Road, or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Seven or more of them, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Seven or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Usage to the contrary in any wise notwithstanding.

Trustees may contract for Repairs.

LIX. And whereas by such Highway becoming Turnpike Road it will be more used, and occasion an Increase of Expence in repairing the same, which ought in some Degree to be laid upon the Turnpike Road to be made in pursuance of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to agree with the Person or Persons liable to repair such Highway for the Repairs thereof in such Manner as they shall think fit, and to contribute so much to the Repair thereof out of the Tolls to be taken by virtue of this Act, or out of the Statute Duty, or the Composition Money to be paid instead thereof, as they shall think just and reasonable.

Trustees may agree for the repairing of certain Parts of the Road.

LX. And whereas Parts of certain Highways may be diverted in pursuance of this Act, to make the same nearer or more commodious to the Publick, and Doubts may arise whether the Inhabitants of any Parish, Township, or Place, or any particular Person or Persons liable to repair the old Highway or Road so deviated from, by Statute Duty, Tenure, or otherwise ought to repair or contribute to the Repair of the whole or some or what Part or Proportion of such new Highway or Road; for obviating which Doubts, and preventing Disputes about the same, be it further enacted, That the Inhabitants of every such Parish, Township, or Place, and Person or Persons who was, were, or shall be liable as aforesaid to the Repair of any such old Highway or Road, which hath been or shall be so diverted and turned, shall respectively be and continue in the same Manner liable to the Repair of such

Persons liable to repair old Road, to continue liable to repair the new Road.

new

new Highway or Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Highway or Road from which he, she, or they shall be exonerated by turning the same as aforesaid; and that if the several Parties interested cannot agree therein, the same shall be viewed by Two Justices of the Peace acting within the Limits where such Road shall be, by whom the same shall be settled, adjusted, and determined in such Manner as they shall think just and reasonable; and from and after such Determination of the Justices, the Inhabitants of the said Parish, Township, or Place, or the Person or Persons liable to repair such new Highway or Road as aforesaid, shall bear all Charges and Expences of Indictments and Prosecutions for not repairing the same; and if it shall be found more convenient to fix a gross Sum or annual Sum to be paid by any such Inhabitants, or Person or Persons, towards the Repair of such new Highway or Road, instead of fixing the Part or Proportion of such new Highway or Road to be repaired by him, her, or them, the said Justices may with the Consent of such Person or Persons, and also the major Part of the Inhabitants interested therein, obtained at a Vestry, or publick Meeting held for that Purpose; and also of the said Trustees, or any Seven or more of them, at a publick Meeting, order and direct the same accordingly, which Order shall be and for ever after continue binding to all Persons whomsoever; and that, if any Person or Persons who by any Order of any Justice as aforesaid, shall be made liable to the Repair of different Parts of the said Road, or the future Occupiers of the Estates in respect of which they shall be so charged, shall neglect to repair or amend so much and such Parts thereof as are particularly set forth in the same Order, after Ten Days Notice in Writing shall have been given to them by the Clerk to the Trustees to repair the same, such Person or Persons so neglecting shall forfeit the Sum of Five Shillings for every Seven Yards of such Road so neglected to be repaired, and so in Proportion for any greater or less Quantity, which Forfeiture shall be recovered and levied in such and in the same Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered and levied; and if the Person or Persons who by the same Order shall be made liable to the Payment of different annual Sums of Money in lieu of repairing Part of the said Road, or the future Occupiers of the Estates in respect of which they shall be so charged shall neglect to pay the several Sums of Money so ordered to be paid by them to the Treasurer to the Trustees of the said Road for the Time being, after Ten Days Notice shall have been given to them by the Clerk to the said Trustees to pay the same, it shall be lawful for the said Trustees, or any Seven or more of them, to recover and levy such several Sums of Money by Distress and Sale of the Persons Goods and Chattels, in such and the same Manner as the Forfeitures and Penalties for Offences against this Act are herein-after directed to be recovered and levied.

To oblige
Subscribers to
pay their Sub-
scriptions.

LXI. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making and repairing the said Road hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Seven or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall by any Writing under their Hands authorize to receive the

the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, as aforesaid, it shall be lawful for the said Trustees, or any Seven or more of them, to sue for and recover the same in the Name of the said Trustees, or any Seven or more of them, or in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlançe shall be allowed.

LXII. And be it further enacted, That out of the Monies to be received by virtue or to be borrowed on the Credit of this Act, the said Trustees, or any Seven or more of them, shall, in the first Place, pay and discharge the Expences of procuring and passing this Act; and the Remainder of such Monies shall from Time to Time be applied in erecting Toll Gates or Turnpikes, and Toll Houses, and in making, repairing, widening, altering, improving, and keeping in Repair the said Road, and in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue hereof, and to no other Use or Purpose whatsoever.

For paying
the Expences
of this Act,
&c.

LXIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the same at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and also such and so many Direction Posts as to the said Trustees, or any Seven or more of them, shall seem meet; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; 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 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 shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road to be made into Manure; or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with an Iron Rake or other Instrument with sharp Points; or shall pull or force up any Stones or other Part of the Pavement of the said Road, whereby the said Road shall be damaged; or shall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever upon the said Road, or any Part thereof, or shall otherwise obstruct or impede the Passage upon the said Road; or shall turn out any Horses, Mares, Cows, or other Cattle, or Swine, upon the Road hereby authorized to be repaired, or any Part thereof, or in the Ditches adjoining the same, every Person so offending shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings, to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties and Forfeitures hereby inflicted.

Mile Stones to
be set up.

Penalty on
defacing
them.
Dragging
Timber or
Stone.

LXIV. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering of which is not hereby otherwise particularly directed) shall be levied by Distress and Sale of the Goods and Chattels of the Offender,

Recovery of
Penalties.

[Loc. & Per.]

by Warrant under the Hand and Seal of some One of His Majesty's Justices of the Peace for the County, Riding, or Place where such Offence shall be committed, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same, which Warrant such Justice is hereby empowered and required to grant upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witnesses or Witnessess; and such Penalties and Forfeitures when so levied, shall be paid the One Half to the Informer and the other Half to the Surveyor of the said Road, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the Whole shall be applied towards the Repair of the said Road; and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, Riding, or Place for any Time not exceeding Six Calendar Months, unless any such Penalty or Forfeiture shall be sooner paid.

For securing
transient Of-
fenders.

LXV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said 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 other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place, or near to the Place where the Offence or Offences shall be 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 or their Appearance at the next Petty Session to be holden within and for the County or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, 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 Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justice at such Petty Session as aforesaid, it shall be lawful for the said Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction of 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.

LXVI. And, for the more easy and speedy Conviction of Offenders against this Act, 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 Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (*videlicet*),

BE

BE it remembered, That on _____ Day of _____ in the Year _____ of our Lord _____ *A. B.* is convicted Form of Conviction.
 before me *C. D.* One of His Majesty's Justices of the Peace for the said West Riding of the County of *York* [*or, the County of Lancaster*] [*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, the Day and Year first above written.

LXVII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, when entered, shall be signed by a competent Number of the said Trustees, or by their Clerk, and shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, and also the Book or Books herein directed to be kept for registering and entering Mortgages, Assignments, or Transfers shall and may be produced and read in Evidence in all Cases of Appeals, Actions, Suits, and other Controversies touching any Thing done in pursuance and by the Authority of this Act. Proceedings to be entered in a Book.

LXVIII. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained; or the Conviction or Convictions of any Offender or Offenders by virtue hereof, shall be quashed, set aside, or vacated for Want of Form only, nor shall be removed or removeable by *Certiorari* or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that Account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage sustained thereby, in an Action upon the Case. Proceedings not to be quashed for Want of Form.

LXIX. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the County, Riding, or Place wherein the Fact touching such Penalties or Forfeitures are incurred or imposed shall be committed, within Fourteen Days next after such Cause of Complaint shall arise, unless the same shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause shall and may, by Order of such Sessions, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs, as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels Appeal.

Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol for the County, Riding, or Place where the Appeal shall have been heard and determined, for any Time not exceeding Six Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid, shall and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Road of such his and their Intention of bringing and prosecuting an Appeal Fourteen Days before the said Quarter Sessions, and shall before such Notice given, enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the County, Riding, or Place where such Appeal shall be intended to be brought, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal be determined against the Party or Parties so appealing.

Limitation of
Actions.

LXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved; or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in either of the said Counties of *York* or *Lancaster*, where such Cause of Action shall arise, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place, or Places than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Publick Act.

LXXI. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Commence-
ment and Du-
ration of Act.

LXXII. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof 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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