



ANNO QUADRAGESIMO SEXTO

# GEORGII III. REGIS.

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## Cap. 17.

An Act for making and maintaining a Road from *Millbridge* to *Cleckbeaton*, in the Parish of *Birstall*, all in the West Riding of the County of *York*.

[2d April 1806.]

WHEREAS the making and maintaining of a Carriage and Turnpike Road from the Toll House, upon the *Wakefield* and *Halifax* Turnpike Road, at or near to a certain Place called *Millbridge*, within the Township of *Liversedge*, in the Parish of *Birstall*, in the West Riding of the County of *York*, into and through the Township of *Gomersall* in the said Parish of *Birstall*, to enter the Turnpike Road leading from *Leeds* to *Elland*, at or near to a certain House now in the Occupation of *George Roberts*, in the Village of *Cleckbeaton*, in the said Parish of *Birstall*, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much shorter and better Communication than there is at present between the aforesaid Places, and also between the several manufacturing Towns and Places near or adjacent to the Line of the said Road, and would also be of great publick Utility : But the same cannot be effected without the Aid and Authority of

[Loc. & Per.]

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Parlia-



Trustees.

Parliament; 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 George Armitage Baronet, Thomas Atkinson, Law Atkinson, Joseph Atkinson, John Armitage, Thomas Richard Beaumont, Richard Henry Beaumont, John Brook, Charles Brook of Nunbrook, Charles Brooke of Upperhouse, Samuel Brook, John Barker, Thomas Brook, Henry Birkby, William Henry Coultburst Doctor in Divinity, John Cockbill, Thomas Cockbill, William Child, Thomas Chaster, John Cooper, Robert Firth, Jeremiab Firth, Abraham Greenwood, William Hudson, John Haigh, John Heald, John Horsfall, William Horsfall, John Hopkinson, Robert Heward, Joshua Ingham, Joshua Ingham the younger, John Keighley, Lionel Knowles, John Kaye, John Kitson, John Lister Kaye, Thomas Lodge, James Lister, Thomas Lister, William Lister, Francis Maude, Joshua Nuffey, William Nussy, William Ogden, William Pollard, Francis Popplewell, William Pilling, Henry Preston the younger, Peter Lawford, Hammond Roberson Clerk, Joseph Radcliffe, Charles Radcliffe, Henry Rhodes, Thomas Stansfield, John Senior, Watson Scatcherd, Norrison Scatcherd, Francis Sykes, Cookson Stephenson, Richard Shepley, Thomas Thompson, Abraham Thompson, Samuel Thompson, Joshua Taylor, Richard Walker, William Walker, John Walker, Thomas Walker, Joshua Walker, Joseph Wetherell, Benjamin Williamson and Edward Wilby, and their Suecessors, to be elected in Manner herein-after mentioned shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing, and improving the said Road, and for otherwise putting this Act in Execution.

On the Death  
of Trustees  
others to be  
chosen.

II. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them by Writing under their Hands, to elect One other Person to be a Trustee in the room of such Trustee so deceased, or refusing to act, but Notice of the Time and Place of Meeting for every such Election shall be 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 some publick Newspaper printed or circulated in the Neighbourhood through which the said Road passes, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Place they shall be respectively chosen were vested with.

Qualification  
of Trustees.

III. Provided always, 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 Forty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of One thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath in the Words or to the Effect following; that is to say,



I *A. B.* do swear that I truly and *bonâ fide* am, in my own Right [*or, in the Right of my Wife*] in the actual Possession and Enjoyment [*or, Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes [*or, am Heir Apparent of a Person seised of such an Estate of the clear yearly Value of One hundred Pounds, [or, possessed of a Personal Estate of the Amount of One thousand Pounds]*]; and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee, by virtue of an Act passed in the Forty-sixth Year of the Reign of King *George the Third*, intituled, [*here insert the Title of this Act*] according to the best of my Skill and Judgement, and without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever.

So help me GOD.

And if any Person not being so qualified shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee 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.

Penalty on Persons acting not being qualified.

IV. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or be defeated from acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are Justices of the Peace for the said West Riding of the County of *York*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Mortgagees may act.

Trustees being Justices may act.

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 or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action.

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

VI. Provided always, That every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended

Clerks to be reimbursed their Expenses.



fended, in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he or they shall pay, bear, expend, or be put unto or become chargeable with, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

Time and  
Place of  
Meeting.

Clerks to call  
Meetings in  
case a suf-  
ficient Num-  
ber of Trus-  
tees do not  
attend or  
omit to ad-  
journ.

If Clerks omit  
to give No-  
tice, Trustees  
may.

Hours of  
Meeting.

Trustees to  
pay their own  
Expences,  
make Orders,  
&c.

Orders not to  
be revoked,  
unless Nine  
Trustees pre-  
sent, or  
Notice given.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Francis Popplewell* in *Heckmondwicke* in the said Parish of *Birstall* on the Second *Saturday* next after the Day on which this Act shall receive the Royal Assent or as soon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves, and from Time to Time afterwards meet at, and again adjourn to such Place near to the said Road, as they the said Trustees, or any Five or more of them, shall think proper; and if at any such Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed and inserted in Manner aforesaid, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was appointed to have been held, on such Days as shall be specified in such Notice, not exceeding Six Weeks nor less than Three Weeks after the Day on which such last Meeting was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House near to the said Road, upon that Day Fortnight next after the Date of such last mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment shall be made, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, or unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks, to the Person or Persons acting as Treasurer



urer or Treasurers to the said Trustees, to be by him or them, affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any Meeting.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the 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 Ten Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings on  
Emergencies

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, at their first or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit; and shall also elect and appoint a Surveyor or Surveyors, and such other Officers as the said Trustees, or any Five or more of them, shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion, and appoint others in the room of such of them as shall be so removed, or shall die, resign, or become incapable of performing their Duty; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries, or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices; and to such other Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and all such Officers and other Persons shall, upon their respective Oaths, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any One or more of them, are and is hereby empowered to administer) from Time to Time, and as often as they shall be called upon for that Purpose, produce and give up to such Trustees, full, true, and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands, to the said

Trustees to  
appoint Of-  
ficers.

Officers to  
account.

[Loc. & Per.]

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Trustees



Proceedings  
against Of-  
ficers refusing  
to account or  
deliver Books  
&c.

Trustees, or any Five or more of them, or to such Person or Persons, or for such Uses and Purposes, as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect to render and give up, or to verify upon Oath such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the said Cases, any One or more of the Justices of the Peace for the County, City, Riding, Town, or Place, wherein such Officer or Person shall be and reside, shall (upon Complaint of any Five or more of the said Trustees) make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of One or more credible Witnesses or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward; and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or other Person so convicted, to the Common Gaol for such County, Borough, City, Riding, Town, or Place, there to remain, without Bail or Mainprize, until such Officer or Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) or until such Officer or Person shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed for any of the Offences aforesaid, shall be detained in Prison longer than Six Calendar Months.

Trustees em-  
powered to  
compound  
with Officers.

Trustees may  
appoint tem-  
porary Col-  
lectors;

and remove  
those dis-  
charged.

Collectors re-  
fusing to de-  
liver up Toll  
Houses.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver for neglecting or incapable of performing his Duty, or absconding or absenting himself, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls; to continue until the then next Meeting of the said Trustees; in the Stead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall



shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up on the said Road, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees (although not assembled at any Meeting) or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Riding, or Place in which such Toll House or Building shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, Riding, or Place, with such Assistance as shall be necessary, to enter such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver into the Possession thereof.

Justices empowered to grant Warrants, and Constable to enter and remove such Collectors.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same; and also a Toll House to each Gate or Turnpike, with suitable Outbuildings thereto; and also may inclose from the said Road, convenient Garden Spots to the said Toll Houses, as they or any Five or more of them may judge proper, and may cause any such Turnpikes, Toll Gates, Toll Houses, or other Buildings, from Time to Time to be taken down, removed, or altered, as they or any Five or more of them shall judge proper.

Trustees may erect Toll Houses, &c.

XII. And be it further enacted, That the Tolls following shall and may be demanded and taken, before any Horse, Cattle, or Carriage shall be permitted to pass through any such Turnpikes or Toll Gates respectively; (that is to say);

And take Tolls.

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

Tolls.

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Four or more Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught the Sum of One Shilling and Twopence; and drawn by Two Horses or Beasts of Draught, the Sum of Ninepence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, and drawn by Eight Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Six or Seven Horses or Beasts of Draught,

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the Sum of One Shilling and Twopence; and drawn by Five Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses or Beasts of Draught, the Sum of Tenpence; and drawn by Three Horses or Beasts of Draught, the Sum of Eightpence; and drawn by Two Horses or Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or Beast of Draught, the Sum of Fourpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling per Score; and so in Proportion for any greater or less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Eight Pence per Score; and so in proportion for any greater or less Number:

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, whether immediately on the same becoming due, or at any Time after, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, or other Cattle upon which any such Toll is by this Act imposed, and also any Carriage which such Horse, Beast, or other Cattle may be drawing, together with their Saddles, Bridles, Gears, Harness, or Accoutrements, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, or Carriage so seized and distrained, or any Part of such Saddles, Bridles, Gears, Harness, or Accoutrements, returning the Overplus (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-after mentioned.

Tolls vested  
in Trustees.

Tolls to be  
paid only  
Once for  
passing and  
repaling.

XIII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate to be erected by virtue of this Act, shall be subject or liable to any Toll for returning through such Turnpike or Toll Gate, before Twelve of the Clock of the Night of the same Day with the same Horses, Cattle, or Carriage, in respect of which he shall have paid such Toll, or with the same Horses or other Cattle which shall have drawn any Coach, Waggon, or other Carriage for which the Toll has been paid at such Gate that Day, if returning with another Carriage of the same Description as that for which the Toll has been paid, but shall return Toll free on producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike, denoting Payment of such Toll, which Note or Ticket the Collector of the said Tolls is hereby required to deliver



liver *gratis* on Receipt of such Toll, if demanded; but nothing in this Clause contained shall extend or be construed to extend to exempt any such Horses, Cattle, or Carriage from Payment of the Toll for passing a Third Time through such Turnpike on the same Day; but the said Toll shall be demanded and paid for each passing through such Turnpike Gate the same Day as such Horses, Cattle, or Carriage went the First Time that Day.

XIV. And be it further enacted, That if any Dispute shall happen about the Amount 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 Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount 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; all which Sums so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or any Part thereof.

For settling Disputes concerning Tolls, &c.

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

Toll Bar Keepers competent Witnesses.

XVI. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings to be erected or provided in or upon the said Road, and of the Stones and Materials for building or repairing the same, and also of all Stones and Materials got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Toll Houses vested in Trustees.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Cops, Walls, and Fences by the Sides of the said Road, or upon, over, or across any Waste Lands, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, so that Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down, or anyways damage, displace, or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Per-

Trustees may make Fences on Commons to prevent Tolls being avoided.

[Loc. & Per.]

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son shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
permitting  
private Pas-  
sages or evad-  
ing Tolls.

XVIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a publick Highway); or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, Beast, or other Cattle, without Payment of Toll; or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any Turnpike or Toll Gate to be erected by virtue of this Act, shall afterwards add or put an additional Horse or Beast to such Carriage, with an Intent to evade the Payment of the said Tolls; or shall leave or cause to be left upon or near any Part of the said Road, any Carriage, Horse, Cattle, or other Beast, with Intent to avoid the Payment of any of the said Tolls or any Part thereof, or shall, with such Intent, unload any Goods from or out of any Carriage, or in any other Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Tolls may be  
varied.

XIX. 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, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and may afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; nor shall any such Reduction be made, unless Thirty Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Road is intended to pass.

Trustees em-  
powered to  
compound  
for the Tolls.

XX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with any Per-



son or Persons, for any Horses, Cattle, Beasts, or Carriages, passing through any of the said Turnpikes or Toll Gates, so that no Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid one Year in advance, otherwise such Composition shall be void.

XXI. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, from Time to Time, by Writing under their respective Hands, or under the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, for any Time not exceeding Three Years at one Time, for the best Rent that can or may be got for the same, payable at such Times, and under such Covenants, and unto such Person or Persons as the said Trustees, or any Five or more of them, shall direct or appoint; of which letting Fourteen Days Notice at least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act upon the said Road, and by inserting the same in some publick Newspaper circulating in the Neighbourhood through which the said Road shall pass; and the Monies arising thereby shall be applied in such Manner as the Tolls so let or leased are directed to be applied.

Trustees may  
lease Tolls.

XXII. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse, Cattle, Beast, or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or that shall be returning unladen or empty after having been used only in conveying Stones, Brick, Lime, Gravel, or other Materials for repairing the said Road, or any Bridges or Culverts belonging to the said Road, or for repairing any publick Road or Highway within any of the Townships, Hamlets, or Places wherein any Part of the said Road lies; or for Dung, Lime, Marl, Soil, Mould, Compost, or other Manure, of whatever Nature or Kind soever, to be used in manuring and cultivating of Lands in any such Township, Hamlet, or Place; or for Hay, Grass, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof (other than and except Lime or Manure, and Hay, Corn, or Straw, sold or for Sale); nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows, or other Implements of Husbandry; nor shall any Toll be taken for any Horses or Cattle going to or returning from Stable, Water, or Pasture; nor for any Cattle which shall be going to be or returning after having been shod or farried; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom; or for the Horses of any Officers or Soldiers upon their March or upon Duty, or for any Carriages attending them laden with their Arms or Baggage, or returning empty after having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or in returning from any Place of Exercise, Inspection, or Review, provided such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulation appointed for such Corps, at the Time of claiming the

Exemption  
from Tolls.

Exemp-



Exemption ; or for Horses or Carriages travelling with Vagrants sent by legal Passes ; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricule, or Chair, or Horses drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded ; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated or going to visit or returning from visiting his sick Parishioners ; or from any Person or Persons residing in any of the said Townships or Places for passing through any of the said Turnpikes or Toll Gates, to or from their respective Church, Chapel, or other Place of Religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated ; or for any Cattle or Carriage conveying the Corpse or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies ; or for any Cattle or Carriage going to or returning from any Corn Mill or Malt Kiln situate in any of the said Townships or Places, with or for any Corn, Grain, Malt, Meal, or Flour, to be ground, made, or smelted, or when so done for the Owner's own Use and Consumption and not for Sale ; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Toll for crossing the Road only.

XXIII. And be it further enacted, That no Tolls shall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the said Road, for any Horse, Cattle, or Carriage which shall only cross the said Road, and shall not pass above One Hundred Yards thereon, unless such crossing shall be with Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded.

Trustees may borrow Money.

XXIV. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up by virtue of this Act, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Road is intended to pass, may and they are hereby empowered, from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses, Turnpike Gates, and Appurtenances thereunto belonging (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees who shall advance or lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Five or more of them, shall think



think proper; which said Money so to be borrowed, shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes are hereby directed to be applied and disposed of, and to no other Use and Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

BY virtue and in pursuance of an Act, passed in the Forty-sixth Year of the Reign of His Majesty King George the Third, intituled [*here insert the Title of this Act*] in consideration of the Sum of  
to A. B. the Treasurer, appointed by the Trustees for putting the said Act in Execution, having been this Day paid by C. D. of

Form of Mortgage.

We whose Names are hereunto subscribed and Seals affixed, being Five of the said Trustees, Do grant and assign unto the said C. D. his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Road in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the same Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the same Tolls, or charged thereupon, for the Term of this Act, to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said C. D. his Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term of Twenty-one Years, for which the said Tolls are granted by the said Act, subject to the Proviso following; (that is to say) Provided always, that if the said Sum of shall be repaid to the said C. D. his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered, from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; (that is to say),

Copies to be entered.

I do hereby transfer and assign this Mortgage [*or, a certain Mortgage, &c. as the Case may be*] with all my Right and Interest to the Principal Money thereby secured, and all Interest now due on the same, unto Executors, Administrators, and Assigns. In Witness whereof I have hereunto put my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

Form of Transfer

[Loc. &amp; Per.]

4 B

All



All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, within Sixty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Ten Shillings and no more, and which said Book or Books shall and may, at all reasonable Times, be perused or inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

No Priority of Mortgages.

XXV. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Application of the Tolls and Money borrowed.

XXVI. And be it further enacted, That out of the first Money arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and making, repairing, widening, diverting, and amending the said Road, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Power to enter Lands and make the Road.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width, not exceeding Sixty Feet, and in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Land or Ground on the Sides of the said Road



Road whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

XXVIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashler Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Road, and the Bridges, Culverts, Walls and Fences in or upon the same, in, upon, out of, or from any Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, in any Parish, Township, or Place in which any Part of the said Road lies, or in any neighbouring Parish, Township, or Place to be used in the making and repairing the said Road, without paying any Thing for the same, and to cart and carry the same over the Lands and Grounds of any Person or Persons, making Satisfaction as herein-after mentioned; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashler Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, contiguous to that Part of the said Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Stone and Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages, for the cutting, digging, gathering, taking, and carrying away the said Ashler Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Waste Ground, Commons, or uncultivated Lands, Rivers, or Brooks as aforesaid over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County, Riding, or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County, Riding, or Place, next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine

Surveyor to  
get Gravel,  
etc.

Justices to  
determine  
Differences.



termine the Matter of the said Damage, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

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

XXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Stone or other Materials for making or repairing the said Road, Bridges, Culverts, Walls, and Fences, out of or from any inclosed 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 or her usual Place of Residence, to appear by himself or herself, or his or her Agent, before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting for the said Riding, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, take, and carry away such Stone and Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, before the said Trustees or such Justices as aforesaid, then and in such Case the said Trustees, or any Five or more of them, 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 or her Agent had attended.

No Materials to be gotten near any Bridge, &c.

XXX. Provided also, That no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away within the Distance of Thirty Yards of any Bridge, Mill, Mill-Weir or Dam, on any Account or Pretence whatsoever.

Surveyors may make Causeways, Bridges, &c.

XXXI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways in and upon the said Road, and also to make any Ditches or Drains in, under, or upon the said Road, and in, upon, under, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road, not being the Ground whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees; and also, by Order of any Five or more of the said Trustees, to build, erect, or repair, and keep in repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any Canal, Stream, River, Brook, Water, Ditch, or Drain therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace for the said Riding, at the General Quarter Sessions of the Peace next after such Difference shall arise, and



and on such Notice to be given as last mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties; but that no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

XXXII. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials which shall have been dug, gotten, or gathered for the Purpose of making, completing, altering, or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyors.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five 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 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 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 Fourteen 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 Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof (to be settled by the said Trustees, or any Five 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 Removal of 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.

Surveyors may remove Annoyances.

XXXIV. And be it further enacted That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Sur-

Penalty for obstructing Collectors or Surveyors.]



veyor, or any other Person or Persons by them or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, every, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may  
make and  
divert the  
Road.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, turn, and alter the Course or Path of any Part or Parts of the said Road through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damages they may sustain thereby, and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree 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 the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seized of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary in anywise notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Per-  
sons inte-  
rested neg-  
lect or refuse  
to treat.

XXXVI. And be it further enacted, That if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands and Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat or shall not agree



agreed in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage, Value, or Recompence, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein such Lands or Hereditaments do lie; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgement, Order and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Persons and Parties whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to 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 Five or more of them, shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in 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; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impole any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning

The Damages and Recompence to be settled by a Jury.

Verdict of the Jury to be final.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Jury may be challenged.

Trustees may impose Fines on Sheriffs making Default, or on Jury, or on the Witnesses.



of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear; or appearing shall refuse to be sworn and examined or to give Evidence; so that no one Fine be more than Five Pounds on any one Person for one Offence.

How the Expences of the Jury and Witnesses are to be borne.

XXXVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn, pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands 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 Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, 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 Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid, 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 Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in Question (who is hereby 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 or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

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

XXXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving  
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the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons respectively, and after Five Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter, and shall be repaired and kept in Repair in such Manner, and by the same Ways and Means as the Road hereby authorized to be made and repaired is hereby directed to be made and repaired, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and in case of the turning or altering the Course of any Part or Parts of the said Road, after such new Road shall be completed, the Lands constituting such former Road or Roads, or any Part thereof, unless leading over some Moor, Common, uncultivated Land, or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the said West Riding, shall be good and effectual in Law to all Intents and Purposes whatsoever.

XXXIX. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees, shall not extend to enable the said Trustees to take, use, injure, or damage, any Dwelling House or other Building, or to take any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation, or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained, other than and except a Dwelling House situate at *Eddercliffe*, belonging to *John Drake*, and in the Occupation of *Mary Benn*; a Building or Kitchen, near *Eddercliffe*, belonging to and occupied by *Nathaniel Lee*; a Building and Garden, in *Littletown*, belonging to *Joseph Goodall*, and occupied by *Joel Allot* and *Joseph Rosheray*; a Building in *Littletown*, belonging to *John Nowell*, and occupied by *Gabriel Redfearn*; a Yard or Tan Yard and Shed, in *Littletown*, belonging to *Thomas Cockbill*, and occupied by *John Kaye*; and a House and Shop, belonging to *John Barrons*, and occupied by *Samuel Firth* and *William Wear*.

Trustees not to take down Houses, &c. without Consent of Owners.

XL. And whereas, by reason of the Purchases which the said Trustees are hereby empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seized of some Piece or Pieces of Ground, and of some Piece or Parcel of old Road or Roads over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That

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

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it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of old Road or Roads, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Where any Horse or Driftway shall be stopped up, the same to be deemed an Exchange, &c.

XLI. Provided always, and be it further enacted, That where any Part of any Horse or Driftway shall be stopped up or diverted by this Act, in or through the Land belonging to the Person or Persons; Owner or Owners of the Land through which the said intended new Road or any Part thereof shall lead, the same, according to equal Admeasurement, shall be adjudged and deemed an Exchange only, and Compensation or Satisfaction shall be made only for the Land required for the new Road which shall exceed the Admeasurement of the Horse or Driftway in every such Persons Land respectively.

Persons whose Lands adjoin to have the Preference.

XLII. Provided always, and be it further enacted, That the said Trustees or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road or Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, an 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 or Riding where such Piece or Pieces of old Road or Roads or Ground shall be, by some Person or Persons noways interested in the said Piece or Pieces of old Road or Roads or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, or any Five or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever 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 such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees, or any Five or more of them, 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 Five 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, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees, or any Five or more of them, of such Piece or Parcel of old Road or Roads or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation Money when exceeding 200l.

XLIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be



be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, 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 or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the 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 Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

XLIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said 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

Where the  
Compensation  
does not  
amount to  
200l. and shall  
exceed 20l.



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 the said Trustees or any Five or more of them (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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where less than 20l.

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 Lands or Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c. Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

XLVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or sums of Money into the Bank as aforesaid.

XLVII. Pro-



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

Where any Question shall arise touching the Right to such Money.

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

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

XLIX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, and all other Persons liable to the amending or maintaining of any common Highway, Horseway or Driftway in the several Parishes, Townships, Hamlets, Districts, or Places through which the said intended new Road shall pass, shall be liable to and chargeable with the Repair of the said intended New Road in such and the like Manner, in every Respect, as they are or were before the passing of this Act liable to the Repair of any other or former Common Highway, Horseway, or Driftway within such Parish, Township, Hamlet, District, or Place respectively.

Persons liable to repair Highways, &c. to repair the new Road.

L. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute Work on any of the Highways in the several Parishes, Townships, Hamlets, Districts or Places through which the said intended new Road shall pass, shall be liable to perform their respective Works thereon, in such and the like Manner, in every respect, as they are liable to perform the same on any other Com-

Persons liable to repair Roads, &c. to continue to.



mon Highway within such Parish, Township, Hamlet, District or Place respectively.

Parish Surveyors to deliver in Lists of Statute Work.

LI. And be it further enacted, That the respective Surveyors of the Highways for the several Parishes, Townships, Hamlets, Districts, or Places in which any Part of the said new Road shall lie, shall Twice in every Year, within Four Days after Demand made to them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account or List in Writing under their Hands of the Christian and Surname of every Person who within their respective Parishes, Townships, Hamlets, Districts, and Places, are liable to do Statute Work, and shall distinguish in such Account or List what Statute Work each of the said Persons is liable to do and perform; and the Statute Work shall be done by all such Persons on such Parts of the said Road hereby intended to be made and repaired, as are within the said respective Parishes, Townships, Hamlets, Districts, and Places, in such Manner and at such Times as any Two Justices of the Peace for the said West Riding, upon Application made to them by the said Trustees, or any Two or more of them, or by their Clerk or Clerks, or Surveyor or Surveyors, shall direct; and the said Surveyors of the Highways for such Parishes, Townships, Hamlets, Districts, and Places respectively, within Ten Days after Notice shall be given to him or them by such Clerk or Clerks, or Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons; and if any Surveyor for any such Parish, Township, Hamlet, District, or Place, shall neglect or refuse to deliver in such Account or List to such Turnpike Surveyor or Surveyors, or shall be guilty of any Fraud therein, or shall refuse or neglect to summon such Persons to do their Statute Work as aforesaid, every such Surveyor shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds.

Penalty on not performing Statute Work.

LII. And be it further enacted, That all and every Person and Persons who shall neglect or refuse to do such Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by such Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and every Person who shall, according to such Notice as aforesaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the said Road, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or Persons, or such Team, Draught, or Plough, had not come or been sent to do such Work, and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before-mentioned; and



and all Persons doing such Day's Work on the Road aforesaid, shall not be liable to do any other Statute Work thereon.

LIII. And for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road, hereby directed to be made and repaired, shall lead, touching what Part of the Statute Work in any such Parish, Township, Hamlet, District, or Place, ought to be done on the said Road; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace, at any Special Session to be holden for the Division or Hundred, Divisions or Hundreds, wherein such Part or Parts of the said Road shall lie, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute Work shall be done on the said Road by and in each and every of the Parishes, Townships, Hamlets, Districts, or Places aforesaid.

Justices to determine Statute-work.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, 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 within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets, Districts, 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, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road, all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound for Statute Work.

LV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint are hereby empowered to contract with any Person or Persons for making, altering, turning, widening, or repairing the said Road or any Part thereof, and for erecting Mile and Direction Stones or other 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 Five or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into, pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, 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,

Trustees may contract for Repairs.

Contracts to be binding.



Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall and 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 any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Persons who may be Prosecutors and Persons prosecuted indemnified.

LVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act under the Authority or by the Direction of the said Trustees, or any Five or more of them, in every such Case the said Trustees, or any Five or more of them, shall out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Mile Stones to be set up.

Penalty on defacing them.

Riding on Foot Paths, &c.

Dragging Timber or Stone.

Suffering Pigs to root up the Roads.

Drivers of Carriages not keeping on the left Side

LVII. And be it further enacted, That the said Trustees, or any Five 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 said Road, at the Distance of one Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, and also such and so many Direction Posts as to the said Trustees or any Five or more of them shall seem meet; and if any Person shall wilfully pull up or damage any of such Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footway; or if any Person shall hale or draw, or caused to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same or any Part thereof, or the Fences, Hedge Backings or Cops, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall



shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make, or assist in making any Fire or Fires commonly called *Bonfires*, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Road; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, in, upon, or on the Side of any Part of the said Road, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

of the Road when meeting other Carriages.

Persons preventing others from passing.

Making Bonfires or letting off Fireworks.

Leaving Carriages, or Timber, &c. on the Roads.

LVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any one Justice of the Peace for the County, Riding, or Place wherein the Offence shall have been committed, or any one Justice of the Peace for the County or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justices (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be if not otherwise directed to be applied by this Act, from Time to Time paid Half to the Informer, and Half to any Five or more of the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, Riding, or Place wherein the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties how to be levied and applied.

LIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justices or Justice 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*,

[*Loc. & Per.*]

4 F—G

BE



Form of  
Conviction.

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

Proceedings  
not to be  
quashed for  
Want of  
Form.

LX. And be it further enacted, That no Proceedings of the said Trus-  
tees, or of any Justice or Justices of the Peace, or any of them respectively,  
touching or concerning or in Execution of any Power or Authority vested  
in such Trustees, or Justice or Justices respectively, by this Act, shall be  
quashed or vacated for Want of Form, or be removed by *Certiorari*, or any  
other Writ or Process whatsoever, into any of His Majesty's Courts of  
Record at *Westminster*, or any other Court of Record in that Part of the  
Kingdom called *England*; any Law or Statute to the contrary notwith-  
standing.

Distress not  
to be deemed  
unlawful for  
Want of  
Form;  
nor the Party  
distraining be  
deemed a  
Trespasser *ab  
initio*.

LXI. Provided always, and be it further enacted, That when any Dis-  
tress shall be made for any Sum or Sums of Money to be levied by virtue  
of this Act, the Distress itself shall not be deemed unlawful, nor the Party  
or Parties making the same be deemed a Trespasser or Trespassers on account  
of any Defect or Want of Form in the Summons, Conviction, Warrant of  
Distress, or other Proceedings relating thereto; nor shall the Party or Parties  
distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of  
any Irregularity which shall be afterwards done by the Party or Parties  
distraining; but the Person or Persons aggrieved by such Irregularity shall  
and may recover Satisfaction for the special Damage in an Action upon  
the Case.

Limitation of  
Actions.

LXII. And be it further enacted, That no Action or Suit shall be com-  
menced against any Person or Persons for any Thing done in pursuance of  
this Act, until Fourteen Days Notice thereof in Writing shall have been  
given to the Clerk or Clerks, Treasurer or Treasurers, 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 the County of *York*  
and not elsewhere; and the Defendant or Defendants in every such Action  
or Suit shall and may plead, at his, her, or their Election, specially or  
the General Issue, and give this Act, and the special Matter in Evidence  
at any Trial to be had thereupon, and that the same was done in pursu-  
ance and by the Authority of this Act; and if the same shall appear to  
have been so done, or if such Action or Suit shall be brought before Four-  
teen Days Notice shall have been thereof 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 elsewhere than in the  
said County of *York*, then the Jury shall find a Verdict 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 De-  
fendant or Defendants shall and may recover Treble Costs, and have such  
Remedy for the same as any Defendant or Defendants hath or have in other  
Cases by Law.

General Issue.

Treble Costs.

LXIII. And



LXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the Trustees, or by their Clerk or Clerks; which said Book or Books, and all other Book and Books directed to be kept for registering the said Mortgages, Assignments, and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatever.

Orders and Proceedings of Trustees to be entered in a Book.

LXIV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to carry this Act into Execution; be it therefore further enacted, That it shall be lawful for any One or more of the said Trustees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or other Authority, than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace for the County or District near to the Place where the Offence or Offences shall have been committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, their Appearance at the next Petty Session to be holden within and for the County, Riding, or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty 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 Justices at such Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Common Gaol or House of Correction 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.

For securing transient Offenders.

LXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Persons may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the said West Riding, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Riding, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the

Persons aggrieved may appeal to the Quarter Sessions.



the Cause and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Session may also by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for Want of sufficient Distress -commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Riding, or Place wherein such Quarter Session shall be held, as the Case may be, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

For compelling Subscribers to pay their Subscriptions.

LXVI. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making of the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within or at such Time or Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall, by any Writing under their Hands, authorize to receive 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 Five or more of them, to sue for and recover the same in the Name of the said Trustees, or any Five or more of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection or Wager of Law, or more than One Impar lance shall be allowed.

Publick Act.

LXVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

LXVIII. And be it further enacted, That this Act shall commence upon and have Continuance from the Day on which the same shall receive the Royal Assent, and shall continue in force 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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