



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.



Cap. 204.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Bawtry* to *Selby*, in the West Riding of the County of *York*. [26th June 1811.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a commodious Carriage Road, from the Town of Bawtry to the Town of Selby, in the West Riding of the County of York*: And whereas the Trustees appointed by virtue of or in pursuance of the said Act, have, in pursuance of the Authorities given to them, proceeded in the Execution of the Trusts thereof, and have borrowed considerable Sums of Money for the Purpose of carrying into Effect the Purposes of the said recited Act, some of which Sums of Money remain undischarged, and cannot be paid off; nor can the said Road be preserved in a proper State of Repair, unless the Term granted by the said Act be further extended, the Tolls thereby granted augmented, and some of the Powers and Provisions thereof varied, altered, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Provisions, Matters and Things, therein contained, (except such as are hereby varied, altered, or repealed, and also

[*Lac. & Per.*]

except so much thereof respectively as relate to Exemptions from Stamp Duties), shall be and the same are hereby continued in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and this Act, and the additional Term and Tolls hereby granted shall be subject and liable to the Payment, as well of all Monies now due and owing on the Credit of the said recited Act, as also of such further Sum or Sums of Money as shall or may be borrowed for the Purposes of this and the said recited Act, and of all Interest due, and to grow due, for the same respectively.

New Trustees.

II. And be it further enacted, That *Robert Pemberton Milnes, Richard Rhodes Milnes, Ralph Greyke the younger, Samuel Wilkes Waude, Jonathan Acklom, John Acklom, Richard Acklom, John Hervey, John Walbanke Childers, Leonard Walbanke Childers, George Cooke Yarborough, John Cooke, Charles Mellish Childers, William Murray, Edward Harvey Clerk, Edward Mason Clerk, Henry Downes Clerk, John Brewerton, Christopher Bellamy, Lucas Spilbury, Joseph Blythman, William Hett, Sir Henry Etherington Baronet, Richard Ellison, Henry Ellison, Richard Ellison the younger, George Parker, William Elmhirst, John Crowder, William Gossip, Joseph Atkinson, Thomas Maples, John Brown, Mordecai Casson, Mordecai Casson the younger, William Coulman, Thomas Coulman, John Benson, John Benson the younger, Henry Benson, John Bladworth, Richard Pearson, Richard Addey, Eric Rudd Clerk, John Christopher, Burton Downay, the Honourable and Reverend William Henry Downay, the Honourable Marmaduke Downay, the Honourable and Reverend Thomas Downay, William Perkins, Thomas Townrow, William Bradley, Thomas Webster, Henry Yarburgh, Nicholas Yarburgh, Thomas Stapleton, Miles Stapleton, Miles Stapleton the younger, William Perfect, Edward Bracken Doctor of Laws, Robert Moore, William Barf, Joseph Hanks, George Craven, William Jewitt, Richard Sykes, Humphrey Osbaldeston, Thomas Weddall, John Harper, John Bingley, John Thompson, John Foster, Thomas Foster, George Lyon Weddall, Richard Roath, John Dobson, William Dobson, John Weddall, Charles Weddall, William Martin the younger, James Sheppard, and John Coulman, (being qualified in Manner directed by the said recited Act), shall be and they are hereby added to and joined with the surviving and remaining Trustees appointed in or by virtue of the before recited Act; and the said Trustees hereby appointed, and their Successors, together with the Trustees appointed by or in pursuance of the before recited Act, shall be and are hereby authorized and empowered to carry this and the said recited Act into Execution in like Manner, to all Intents and Purposes, as if they had been nominated Trustees in the said recited Act.*

Mortgagees not unqualified to act as Trustees.

III. And be it further enacted, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money on the Credit of the said Tolls, shall in consequence thereof be deemed unqualified to act as a Trustee in the Execution of this or the said recited Act.

Five Trustees empowered to act.

IV. And be it further enacted, That if at any Meeting of the Trustees appointed for carrying this and the said recited Act into Execution, any Five of them shall attend, it shall be lawful for them; and they are hereby authorized and empowered, and their Acts and Doings are hereby declared legal, binding and conclusive, to take into Consideration the Purposes

poses for which such Meeting is convened, and settle and adjust the same, and do and execute all such Matters and Things as to them may appear proper and agreeable to the Meaning and Intent of this and the said recited Act; and further, that all such Trustees as are or hereafter shall be Justices of the Peace, may act as Justices in the Execution of this and the said recited Act, in all Cases where they are not personally interested, notwithstanding their being Trustees.

V. And be it further enacted, That no Trustee shall be allowed to vote at the Election or Appointment of any Officer, or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at one or more Meetings of the Trustees, within Three Years preceding the Death, Resignation, or Removal of the last Officer; or in case the Office shall be of new Appointment, then Two Years preceding the Meeting at which such new Appointment shall have been determined upon; and the Presence of such Trustee at such Meeting or Meetings as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees, as being present on the Day or Days of such Meeting.

No Trustees to vote in the Appointment of any Officer, unless he have acted within a certain Time before.

VI. And be it further enacted, That if at any Time during the Term hereby granted it shall be deemed proper by the said Trustees to remove all or any of the Turnpikes or Gates now erected and standing upon the said Road, to any other Part or Parts thereof, or to erect any additional Gates or Toll Bars upon, across, or on the Side or Sides of the said Road, or across any Lane or Way leading out of the same, it shall be lawful for them the said Trustees, and they are hereby authorized and empowered, to order and direct such Removal, or an additional Gate or Toll Bar, or additional Gates or Toll Bars, to be built and erected upon, across, or on the Side or Sides of the said Road, upon such Part or Parts thereof as they shall think expedient, and also a Toll House or Toll Houses with suitable Outbuildings and Conveniences at or near the said Gate or Gates, Toll Bar or Toll Bars: Provided always, that no Turnpike be erected nearer to the Town of *Bawtry* than the present one situated at *Acombe*.

Power to remove the present, and to erect additional Toll Bars.

VII. And be it further enacted, That the Right and Property of and in all and every the Turnpike Gates and Toll Houses which may be erected and built by virtue of this or the recited Act, shall be vested in the said Trustees, and they are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring Actions, or to prefer Bills of Indictment, against any Person or Persons who shall steal, take away, break down, or spoil such Turnpike Gates or Toll Houses, or any of them.

Toll Houses vested in Trustees.

VIII. And whereas the Tolls granted by the said recited Act are found insufficient to carry the Purposes thereof and of this Act into Effect; be it therefore further enacted, That on the *Monday* Three Weeks next after the passing of this Act, the Tolls granted by the said recited Act shall be and the same are hereby repealed; and that in lieu thereof, the several Tolls following shall be demanded and taken at each of the said respective Turnpikes or Toll Gates which are or shall be erected upon or across any Part of the said Road, before any Horse or other Beast or Cattle shall be permitted to pass through the same; (that is to say),

Tolls

For

For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, Hearse, Phaeton, Pleasure Cart, Vis-a-vis, Diligence, Caravan, Litter, or other such Carriage, drawn by Six or more Horses, Mules, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, Mules, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mules, or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, Mule, or other Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Four Horses, Mules, or other Beasts of Draught, the Sum of One Shilling; and drawn by more than Four Horses, Mules, or other Beasts of Draught, the Sum of One Shilling and Three-pence; for each Horse, Mule, or other Beast of Draught, exceeding the Number of Four, and drawn by Three Horses, Mules, or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses, Mules, or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse, Mule, or other Beast of Draught, the Sum of Three-pence:

For every Horse or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, Sixpence *per* Score, and so in Proportion for a greater or less Number; and

For every Drove of Calves, Hogs, Sheep or Lambs, or Swine, Five-pence *per* Score, and so in Proportion for a greater or less Number:

Tolls vested
in Trustees.

Which said Tolls shall be and the same are hereby vested in the said Trustees, and the same shall and may be collected, received, recovered, applied and disposed of, in such Manner as by the said recited Act is prescribed with respect to the Tolls thereby granted.

Tolls on Car-
riages at-
tached to
other Car-
riages.

IX. And be it further enacted, That for every Waggon, or other Four-wheeled Carriage drawn along the said Road, by being fastened behind or attached to any Waggon, Wain, Cart, or other Carriage, which shall pass through any Gate or Toll Bar now or hereafter to be erected upon the said Road, there shall be charged, demanded and taken at such Gate or Toll Bar, (in Addition to the Toll payable for the Waggon, Wain, Cart or other Carriage, behind or attached to which such Waggon or other Four-wheeled Carriage shall be drawn), the same Sum of Money by Way of Toll, as shall be payable at such Gate or Toll Bar for a Waggon or other Four-wheeled Carriage drawn by Four Horses or other Beasts of Draught; and for every Cart commonly called a Lighter, or other Two-wheeled Carriage, fastened or attached to any Waggon, Wain, Cart or other Carriage, there shall in like Manner be charged and payable such and the same Sums of Money as the said Cart or other Two-wheeled Carriage would have been chargeable with had the same been drawn by Two Horses, or other Beasts of Draught.

Limiting the
Number of
Tolls in one
Day.

X. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any of the said Toll Gates or Turnpikes, such Person shall, upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate, (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis*. on Demand, to every Person who shall pay such Toll), be permitted to pass and repass Toll-free with the same Horses, Cattle, Beasts, or Carriages,

Carriages, through the same Toll Gate at any Time or Times during the same Day; but if any Person with any Horse, Beast, Cattle, or Carriage, having paid One Toll at any Turnpike or Toll Gate upon the said Road, shall pass through any other Turnpike or Toll Gate upon the said Road with the same Horses, Beasts, Cattle, or Carriages, he shall be liable to the Payment of One Toll at such other Turnpike or Toll Gate, for such Horses, Beasts, Cattle or Carriages respectively: Provided always, that no more than Four Tolls in the Whole shall be demanded or payable in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, from or by any Person, for passing or repassing the whole Length of the said Road, or through all or any of the Toll Gates upon the said Road, any Number of Times in One Day, to be computed as aforesaid, with the same Horses, Beasts, Cattle, and Carriages.

XI. Provided always, and be it further enacted, That no more than One-twelfth Part of the Tolls herein-before authorized to be received by virtue of this Act, upon the whole Line of the said Road, shall be demanded or received from any Inhabitant of either of the Parishes of *Hatfield* or *Thorne*, passing or repassing on the same Day with any Horse, Cattle, Beast, or Carriage, upon any Part of the said Road lying between the Townships of *Hatfield* and *Thorne*, and that no more than One-twelfth Part of the said Tolls shall be demanded or received from any Inhabitant of the Township of *Sneath*, *Cowick*, or *Rawcliffe*, passing or repassing on the same Day with any Horse, Cattle, Beast, or Carriage, upon any Part of the Road lying between the Townships of *Rawcliffe* and *Sneath*; and that every such Person who shall have paid One-twelfth Part of the said Tolls herein-before granted, at any Turnpike or Side Gate now erected or to be erected betwixt *Hatfield* and *Thorne* or betwixt *Rawcliffe* and *Sneath*, by virtue of this Act, shall upon producing a Ticket of the Day denoting such Payment, be permitted on the same Day to repass Toll-free with the same Cattle, Beast, or Carriage, on that Part of the said Road for which such Payment was made; any Thing in this or the said recited Act contained to the contrary notwithstanding: Provided nevertheless, that if any Person shall claim the Benefit of paying only One twelfth Part of the said Tolls for repassing on either Part of the said Road as aforesaid, not being entitled thereto according to the true Meaning hereof, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

One-twelfth of Tolls to be payable by Persons travelling betwixt Hatfield and Thorne, and Rawcliffe and Sneath.

XII. And be it further enacted, That no Toll shall be demanded or taken, by virtue of this or the said recited Act, for the Passage of any Cattle or Carriage which shall be going unladen or empty for; or that shall be used only in carrying or conveying, or returning unladen or empty after having been used only in carrying or conveying Stones, Gravel, or other Materials for repairing the said Road, or any other Road in any of the Parishes, Townships, or Places, through which the said Road shall lead; or Dung, Mould, Soil, Manure, Lime for Manure, or Compost for manuring Lands or Gardens, or Peat, Turf, Ling, Brush or Underwood, and passing therewith any Turnpike on the Road, for the private Use of the Inhabitants of such Parishes, Townships, or Places, and not for Sale, or returning empty on the same Day, having been so laden as aforesaid; or for Hay, Corn in the Straw, or Straw to be laid up in the Houses, Outhouses, Barns,

Exemptions from Toll.

or Yards, of the respective Inhabitants or Occupiers of Lands within the Parishes, Townships, or Places through which the said Road leads, being the Growth or Produce of Land held and occupied by the respective Inhabitants or Occupiers within some such Parish, Township, or Place, and carried for their own proper Use and Consumption, and not for Sale; or for any Ploughs, Harrows, or other Implements of Husbandry or Things used therein, belonging to any such Inhabitant or Occupier; nor shall any Toll be taken of any Person residing in any Township or Place through which the said Road or any Part thereof doth or shall lead, who shall pass through any Turnpike to or from Church, or other Place of Religious Worship on *Sundays*, or who shall be attending the Funeral of any Person dying or to be buried in any such Parish, Township, or Place, or from any Clergyman going to or returning from visiting any Sick Person, or other his Parochial Care or Duty within any such Parish; or for any Corn, Grain, or Grist, carrying to or from any Corn Mill, or for any Horses, Cattle, or Carriage, returning unladen after having carried any such Corn, Grain, or Grist, such Corn or Grain being for private Use only, and not for Sale; or for any Horse, Cattle, Beast, or Carriage, passing no more than One hundred Yards upon the said Road; or for any Person, Horses, or Cattle, going to or returning from Plough, Water, or Pasture, or to or from any Farms, Commons or Waste Land, which such Persons may hold, occupy, or depasture, within such Parishes, Townships, or Places, in which he or they shall reside, or through which the said Road or any Part thereof shall pass; or for the Horses or Cattle of any Inhabitant of the Parish, Township, or Place wherein any Turnpike shall be situate, going to be shod or farried, or returning therefrom; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horse or other Beast or Cattle employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed by such Corps at the Time of claiming the Exemption; or for any Horses carrying, conveying, or guarding the Mail or Express under the Authority of His Majesty's Post Master General, or returning from conveying or guarding the same; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or for any Carriage or Person on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *York* or *Nottingham*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay the Sum of Five Pounds for every such Offence.

XIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other publick Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage, be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Act contained to the contrary notwithstanding.

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

XIV. And whereas great Injury may be done to the said Road by the Farmers or Renters of the Tolls inducing Persons, by receiving from them a small and inadequate Composition for the Tolls of Carriages liable to be weighed in respect of the Tolls for Overweight, to travel on the said Road, when otherwise they would have made use of other Roads; be it therefore further enacted, That if any Farmer or Farmers, Renter or Renters, Receiver or Receivers, of the Tolls of or at any Turnpike Gate now erected or hereafter to be erected upon the said Road, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise, with the Inhabitants of any Town or Place, or with any other Person or Persons, for or in lieu of the Tolls of any Waggon, Wain, Cart or other Carriage, liable to be weighed at the Engine or Engines erected or to be erected upon the said Road, for or in respect of the Overweight thereof, every such Farmer or Renter, Receiver or Receivers, Deputy or Agent, shall on Conviction thereof, by Confession, or on the Oath of One Witness, before any Two of His Majesty's Justices of the Peace for the County of York, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Five Pounds, and shall also forfeit his, her, or their Contract for renting the Tolls, if the Trustees shall think proper to vacate the same, and every such Composition shall be and the same is hereby declared to be null and void; and that One-half of every such Penalty or Forfeiture as aforesaid shall be paid to the Informer, and the other Half to the Surveyor of the said Road, to be employed towards the Repair thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices as aforesaid.

Renters of Tolls not to compound for Overweight.

XV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls to be collected on the said Road shall, after Demand thereof, neglect or refuse to pay the same, and every or any Part thereof, it shall be lawful for the Bar Keeper or Collector, or his, her, or their Assistant or Assistants, to collect such Tolls, by himself, herself, or themselves, taking such Assistance as he, she, or they shall find necessary, to follow after and stop and detain the Carriages, Horses or other Cattle, for which the Toll shall not have been paid, and seize and distrain the same Carriages, Horses or other Cattle, together with the Bridles, Saddles, Gear, Harness, or Accoutrements, or a sufficient Part thereof;

Power of Distress upon the Goods and Chattels of those Persons who refuse to pay Tolls.

and

and unless such Tolls, and the reasonable Charges of such Seizure and Distress, and the detaining and keeping the same, be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) on Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure and Distress, detaining, keeping, and Sale shall be deducted.

Penalty on
Evasion of
Tolls.

XVI. And, in order to punish all Persons that may evade or endeavour to evade the Payment of any of the Tolls or Duties hereby imposed; be it further enacted, That in case any Person or Persons shall by any Means whatsoever evade or endeavour to evade the Payment of the said Tolls or Duties, or shall prevent or endeavour to prevent the Collector of the said Tolls, his, her, or their Assistant or Assistants, from making the Distress they are hereby empowered to make on Default of Payment of the said Tolls hereby imposed, such Person or Persons shall, on his, her, or their Conviction, by his, her, or their own Confession or Confessions, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the West Riding of the said County of York, forfeit and pay for every such Offence, over and above the Tolls they shall have so evaded or endeavoured to evade, and the Costs and Charges attending the Conviction, such Sum of Money, not exceeding Five Pounds, as such Justice or Justices shall adjudge; the same to be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices as aforesaid; the Forfeitures, or a proportionate Part thereof, to be applied in compensating the Informer, according to the Discretion of such Justice or Justices as aforesaid, and the Remainder (if any) to be paid to the Surveyor of the Road, towards the Repair thereof.

Toll Collec-
tors not in-
competent
Witnesses.

XVII. 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 deemed or held incompetent to give Evidence in any such Dispute, Suit, or Litigation, by Reason of his, her, or their being so appointed to collect the same.

Form of Se-
curity for
Money bor-
rowed.

XVIII. And be it further enacted, That upon any further Sum of Money being borrowed by the said Trustees at Interest, for the Purpose of carrying into Effect this or the said recited Act, the said Tolls or any Part thereof, shall and may be assigned or mortgaged by the said Trustees, or any Five or more of them, to the Person or Persons who shall advance such further Sum or Sums of Money, by a Writing under their Hands in the following Words, or in any other Words to the like Effect; (that is to say),

Form of
Mortgage.

‘ B Y virtue of an Act of Parliament, passed in the Fifty-first Year of the
‘ Reign of His Majesty King *George* the Third, intituled, An Act,
‘ [*here set forth the Title of this Act*] We, _____ of the Trustees for
‘ executing the said Act, in Consideration of the Sum of _____ to the
‘ _____ Treasurer

“ Treasurer of the said Road, in Hand, paid by *A. B.* of
 “ do hereby grant, bargain, sell, and demise, unto the said *A. B.*
 “ his Executors, Administrators, and Assigns, such Proportion of the
 “ Tolls arising upon the said Road, and the Turnpikes and Toll Houses
 “ for collecting the same, as the Sum of doth or shall bear to
 “ the whole Sum due and owing upon the Credit thereof, or charged on
 “ the Term of the said Act; to be had and holden from this
 “ Day of in the Year of our Lord for and during the
 “ Continuance of the said Act, unless the said Sum of
 “ with Interest after the Rate of *per Centum per Annum*, shall be
 “ sooner repaid and satisfied.”

And Copies of all such Mortgages shall be entered in a Book or Books
 to be kept for that Purpose by the Clerk or Treasurer to the said Trustees,
 and all Persons to whom any Mortgage shall be made as aforesaid, or
 who shall be possessed of any Mortgage made by virtue of this or the said
 recited Act, or who shall be entitled to the Money thereby respectively
 secured, may from Time to Time, by Writing under his, her, or their
 Hand or Hands, transfer his, her, or their Right, Title, Interest, or Be-
 nefit, in and to the said Mortgage, and the Principal Money and Interest
 thereby secured, to any Person or Persons whomsoever, by Indorsement
 or otherwise, in the following Words, or Words to the like Effect; (that
 is to say),

Mortgage to
 be entered in
 a Book.

“ I Do transfer this Mortgage [*or, a certain Mortgage, describing the*
 “ *Dates and Particulars*] with all my Right and Title to the Principal
 “ thereby secured, and all Interest now due and hereafter growing due on
 “ the same, unto *C. D.* of his Executors, Administrators,
 “ and Assigns. Dated this Day of in the Year of
 “ our Lord
 “ Witness, *E. F.* *A. B.*”

Form of
 Transfer.

Which said Transfer shall be produced and notified to the said Clerk or
 Treasurer, who shall cause an Entry or Memorial to be made thereof in
 the before-mentioned Book or Books, containing the Numbers, Dates,
 Names of the Parties, and Sums of Money therein to be transferred, for
 which the Clerk or Treasurer shall be paid such Sum as the said Trustees
 shall appoint, not exceeding the Sum of Five Shillings; and every such
 Transfer so registered as aforesaid, shall entitle such Assignee, his, her,
 or their Executors, Administrators, and Assigns, to the Benefit thereof;
 and such Assignee 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, except the Person to whom the same shall have been last trans-
 ferred, to make void, release, or discharge, the original Security or any
 Money thereby due, or any Part thereof; and all Persons to whom any
 Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to
 the Sum or Sums thereby secured, be Creditors on the Tolls by this Act
 granted, and on the said Turnpikes and Toll Houses, in equal Degree
 one with another, and shall have no Preference in respect of Priority of
 advancing their Money, or the Dates of their Securities.

XIX. And be it further enacted, That the said Trustees shall and may,
 if thereunto required, receive in and cancel all or any of the Mortgages
 and other Securities now standing out, that were made by virtue of the
 said recited Act, and give and execute another Mortgage or other Mort-

All Mortga-
 ges may be
 cancelled,
 and new ones
 granted.

gages instead and in lieu thereof respectively, in Manner as herein-before directed.

Expences of
this Act.

XX. And be it further enacted, That out of the Money already raised upon the Credit of the said recited Act, or out of the first Monies to be raised by virtue of this Act, the said Trustees shall, in Preference to all other Payments whatsoever, pay and discharge all the Costs and Expences attending the obtaining and passing of this Act; and the Money so raised shall from Time to Time be applied in putting this and the said recited Act in Execution, and in repaying the Principal Monies borrowed and to be borrowed by virtue of the said Acts, and in the Interest due and to grow due thereon respectively.

Application
of Compensation
Money
amounting to
200l.

XXI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this or the said recited Act, for the Purposes thereof, which shall belong to any Bodies Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever; such Money shall, in case the same shall amount to 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 the said recited Act and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance 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 said Court, 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

paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, so directed to be purchased by virtue of this Act, in case such Purchase or Settlement was made.

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

Application of Compensation Money when less than 200*l.*

XXIII. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, so purchased, taken or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Idiocy or Lunacy, then such Money shall be paid 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 thereto respectively.

Application of Compensation Money, if less than 20*l.*

XXIV. 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 or the said recited Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then, and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the

In case of Refusal to accept of, or not making out Titles, Money to be paid into the Bank.

Parties.

Parties interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying 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.

Where any Question shall arise, touching the Title to Money to be paid, the Persons who may be in Possession, shall be entitled thereto.

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

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

XXVI. 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 Tenements to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all such Purchases, from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, and shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXVII. And

XXVII. And be it further enacted, That all Persons who by Law are or shall be liable or ought to do Statute Work, or are or shall be, or ought to be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace for the said West Riding, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes, Townships or Places, in which the same do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as shall or may be directed by any Law or Statute in Force or Effect for the Repairs of the public Highways; and out of such Lists, the said Justices shall and may allot, appoint and order, such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work as aforesaid, upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists, shall appear to be subject and liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act, or this Act, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places or Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for Repairs of the public Highways; and if any Person who shall be sent with any Team or Draught, to work on the

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said

said Road; shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Penalties as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

If Turnpike Road shall be used as a Substitute for old Road, such substituted Part to be repaired by the same Persons as repaired the former Road.

XXVIII. And be it further enacted, That the Inhabitants of the several Parishes and Townships through which the said Turnpike Road is made, shall and they are hereby required, from Time to Time, for ever hereafter, to amend and keep in Repair the Roads within such respective Parishes or Townships, according as they have been used and accustomed to maintain and repair the same Road and other Roads in such Parish or Township in Lieu and in Stead whereof the said Turnpike Road hath been made, and is now used as a Substitute for such old Road or Highways; any Thing in the said recited Act, or in this Act contained to the contrary notwithstanding.

For preventing Annoyances.

XXIX. And be it further enacted, That if any Person or Persons shall, without sufficient Cause, leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, without a Horse or other Beast of Draught being yoked thereto, or to draw the same, longer than may be necessary for the loading or unloading of the same, or shall knowingly or wilfully lay any Sort of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Road, or on the Sides thereof, to the Prejudice of the same; or if any Person or Persons shall draw or cause to be drawn upon the said Road any Tree, or Piece of Timber or Stone, otherwise than upon wheeled Carriages, or suffer any Part of a Tree, or Piece of Timber, which shall be conveyed upon such wheeled Carriage, to drag or trail upon the said Road, to the Prejudice thereof; or if any Person or Persons shall slaughter, singe, scald, or dress, any Swine, Calves, Sheep, Lambs, or other Cattle, in or upon the said Road; or hew or saw any Piece of Stone, Wood, or Timber; or bind, make, or repair the Wheel of any Carriage; or shoe, bleed, or farry, any Horse or other Beast, in or upon the said Road (except in case of Accident); every Person so offending shall, on Conviction for every such Offence, forfeit and pay, over and above the Costs and Charges attending the Conviction, a Sum of Money not exceeding Five Pounds; which Sum shall be applied, at the Discretion of the Justice or Justices before whom the Offender shall be convicted, towards compensating the Informer, and repairing the said Road in the Cases where Damage is done thereto, and recovered in such Manner as is herein before directed, with respect to the Penalties to be inflicted upon Persons evading, or endeavouring to evade, the Payment of any of the Tolls hereby imposed.

XXX. And

XXX. And be it further enacted, That if any Person or Persons whomsoever shall, at any Time or Times hereafter, travel on Horseback, or in Carriages, or lead or drive any Horse, Carriage, or Cattle, upon any Foot Road or Way now made, or hereafter to be made, on the Side of the said Road, for the Accommodation of Foot Passengers, (except only on crossing such Foot Road or Way to the Lands and Grounds of any Person or Persons adjoining thereto), and shall be convicted thereof, by his, her, or their own Confession, or by the Oath of one or more credible Witness or Witnesses, before Two or more of the Justices of the Peace for the West Riding of the County of *York*, every such Person so offending, shall forfeit and pay, over and above the Costs and Charges attending his or her Conviction, such Sum of Money as such Justice or Justices of the Peace shall adjudge, not exceeding Five Pounds; the same to be applied, according to the Discretion of the Justice or Justices, in compensating the Informer, and in repairing such Foot Road or Way, and to be recovered in such Manner as is herein directed with respect to other Penalties to be imposed by virtue of this Act.

Penalty for riding on Foot Paths.

XXXI. And be it further enacted, That in case the said Penalties or Forfeitures, or any other Penalty or Forfeiture to be imposed by virtue of this or the said recited Act, shall not forthwith be paid, or in case the Person or Persons respectively offending and convicted shall not have any Goods and Chattels within the Jurisdiction of the Justice or Justices of the Peace before whom such Conviction shall take Place, then it shall be lawful for any Two or more of such Justices as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County of *York*, for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize, unless such Penalty or Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied.

Persons refusing to pay Penalties, or having no Goods to be levied upon, to be committed to Prison.

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

Public Act.

XXXIII. And be it further enacted, That the Term granted by the said recited Act, shall, on the *Monday* Three Weeks next after the passing of this Act, cease and determine; and that the said Act, (subject to the Variations and Additions herein contained), and this Act, shall from thenceforth commence and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

For the Term of Twenty-one Years.

