



ANNO QUINQUAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. xlv.

An Act for making and keeping in Repair a Carriage Road from or near the Town of *Brough-under-Stainmore*, in the County of *Westmoreland*, to *Middleton Bridge*, in the Parish of *Romaldkirk*, in the North Riding of the County of *York*, with a Branch from or near *Chapel House* to *Eggleston Bridge*, in the same Parish. [16th June 1817.]

WHEREAS the making and keeping in Repair a Carriage Road leading from the *Brough Turnpike Road*, at or near a certain Place called *Lane Head*, in the Parish of *Brough-under-Stainmore*, in the County of *Westmoreland*, through the Townships of *Brough-under-Stainmore*, and *Stainmore* in the Parish of *Brough-under-Stainmore*, in the County of *Westmoreland*, and through the Townships of *Lune* and *Holwick*, in the Parish of *Romaldkirk*, in the North Riding of the County of *York*, to a Bridge across the *River Tees*, called *Middleton Bridge*, in the Parish of *Romaldkirk* aforesaid, and also a Road branching out of the said Road, at or near *Chapel House*, in the Township of *Lune* aforesaid, through the Townships of *Mickleton* and *Romaldkirk*, to a Bridge across the *River Tees*, called *Eggleston Bridge*, in the said Parish of *Romaldkirk*, would be of great Advantage to the Owners and Occupiers of Estates and Inhabitants in that Part of the Country, as well as of public Utility: 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 Parlia-

[Local.]

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Trustees.

ment assembled, and by the Authority of the same, That *John Alderson, Hugh Atkinson Clerk, Arthur Aylmer, Jonathan Backhouse, Jonathan Backhouse the younger, William Backhouse, Edward Backhouse, James Backhouse, John Bland, John Bourne of Walker Hall, Henry Bourne, John Bourne of Bowes, John Bird, James Blackburn Clerk, Sir Thomas John Clavering Baronet, James Clavering, William Clavering, Collins Clerk of Barningham, Francis Constable, Sheldon Cradock, Robert Curry, John Curry, William Dent, John Dent of Nettlepot, John Dent of Mickleton, Christopher Dent, Thomas Dent, Thomas Dent, Robert Dent, Robert Moses Dinsdale, Richard Dobson, Sir Robert Johnson Eden Baronet, Cuthbert Ellison, James Farrer, Richmond Fell Clerk, Ralph Fenwick, William Thomas Greenwell, Charles Baillie Hamilton Clerk, Henry Hardinge Clerk, Thomas Harrison, John Harrison, Edward Harrison, Anthony Harrison, John Headlam Clerk, John Heelis Clerk, John Hill, John Hullock, Robert Hugginson, John Hugginson, William Hutchinson, George Peter Hutchinson, Surtees Jopling, Kilvington Clerk, Sir Henry Lawson Baronet, Sir Thomas Henry Liddell Baronet, Henry Liddell, Thomas Liddell, George Thomas Leaton, John Bacon Sawrey Morritt, Frederick Mundy Clerk, Robert Wharton Myddleton, John Nesham, Richard Proffer Clerk, Preston Clerk, William Russell, Matthew Russell, John Runney, Joshua Raine, Charles Raine, Thomas Raine, James Satterthwaite Clerk, George Silvertop, James Farrer Steadman, Anthony Surtees, Joseph Todd, Jonathan Wooler, Henry Witham, William Wilson Clerk, Thomas Waite, Ambrose Waller, Richard Wharton, John Weightman, Thomas Wheldon, and William Wiggin, together with such other Persons, not exceeding the Number of Ten, as the said Trustees shall appoint, shall be and they are hereby appointed Trustees for making, widening, altering, improving, and keeping in Repair the said Two Roads herein-before described, and for carrying the several Powers, Purposes, and Trusts of this Act into Execution.*

Power to
make the
Roads and
enter Lands.

II. And be it further enacted, That it shall be lawful for the said Trustees, or for such Person or Persons as they shall employ for that Purpose, and they are hereby fully authorized and empowered, to set and stake out, and to form, make, and complete the said Two Roads herein-before described or mentioned, with all necessary Arches or Bridges in or upon the same, or on the Side or Sides thereof, in, upon, through, or over any Commons, Stinted Pastures, or Waste Grounds, without making any Satisfaction for the same, and also in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to all Parties interested in such private Lands, Grounds, Tenements, or Hereditaments, in Manner herein-after directed; and for that Purpose it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Tenements through which or where-upon the said Two Roads or either of them are or is intended to pass, or the Lands or Grounds adjoining thereto, except as is herein-after otherwise provided; and to cut and make such Drains, Gutters, Arches, and Tunnels in and upon the Lands adjoining or near such Two Roads, or either of them, as shall be by them thought necessary and proper for draining the Water from such Roads respectively, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given; and in case any Difference shall arise concerning the Satisfaction to be made for the Damages which

shall be sustained by the Owners or Proprietors or Persons interested in such Lands, the same shall be ascertained and settled by a Jury in Manner directed by this Act with respect to the Valuation of Land authorized to be purchased by the said Trustees, and which said Two Roads shall not be made of less Breadth than Thirty Feet nor more than Forty Feet.

III. And whereas a Map or Plan describing the Line of the said Two Roads, and the Lands through which the same are to be carried, together with a Book or Schedule of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited in the Offices of the respective Clerks of the Peace for the said County of *Westmoreland*, and for the North Riding of the County of *York*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said County and Riding, to the end that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Plan and
Book of
Reference.

IV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads into, through, across, or over the several Lands or Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Land over which the same are respectively set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or Riding wherein such Lands are situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may
make Roads
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mers in the
Book of
Reference.

V. And be it further enacted, That when any of the Trustees named in or to be elected by virtue of this Act shall die, or by Writing under their Hands refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at any Meeting to be held by virtue of this Act (whereof at least Ten Days Notice in Writing shall have been given upon all the Toll Gates to be erected on the said Roads), by Writing under their Hands, to elect one other Person to be a Trustee in the room of every or any Trustee so dying or refusing to act; and every Person so elected (being qualified as by this Act is required) shall from thenceforth have the like Powers and Authorities to act as a Trustee in the Execution of this Act, as if he had been named and appointed a Trustee in and by this Act.

Power to
appoint new
Trustees.

VI. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed

All Acts may
be done by
Trustees,
unless other-
wise directed.
as

as aforesaid, except only in the Cases herein mentioned, as requiring a greater or less Number of them.

Qualification
of Trustees.

VII. 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 at the Time of acting be seised in his own Right or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person seised of Messuages, Lands, Tenements, Tithes, or Hereditaments, for some Estate of Freehold or Inheritance in Possession of the clear yearly Value of One hundred Pounds above Reprizes, or be possessed of a Personal Estate, or of Real and Personal together, to the Amount or Value of One thousand Pounds over and above what will be sufficient to pay all his just Debts: Provided also, that every Trustee, before he shall act as such (except in administering the following Oath), shall take an Oath before One or more of the said Trustees (who is and are hereby empowered to administer the same) in the Form following; (that is to say),

Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I am truly and *bonâ fide*, in my own Right (or in the Right of my Wife), seised and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes [*or, being such Heir Apparent*] am Heir Apparent of *C. D.* who is seised of Messuages, Lands, Tenements, Tithes, or Hereditaments, for some Estate of Freehold or Inheritance in Possession of the clear Value of One hundred Pounds above Reprizes, or am possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds over and above what will be sufficient to pay all my just Debts; and that I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts, Powers, and Authorities reposed in me as a Trustee by virtue of an Act passed in the Fifty-seventh Year of the Reign of His present Majesty King *George* the Third, intituled [*here set forth the Title of this Act.*] So help me GOD.’

Persons hold-
ing Places of
Profit, &c.
not to act as
Trustees.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under this Act, or shall be concerned in any Contract or Contracts that shall be made in or about the Execution of this Act, or shall be Lessee of any of the Tolls granted by this Act, or shall be a Tavern-keeper, Innkeeper, or Victualler; and that such Trustees as are Justices of the Peace shall not be incompetent to act as Justices of the Peace in the Execution of this Act by reason of their being such Trustees; and that no Person possessed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act shall, on such Account only, be disqualified from acting as a Trustee.

Penalty for
acting not
being quali-
fied.

IX. And be it further enacted, That if any Person hereby declared incapable of acting as a Trustee in the Execution of this Act shall presume to act therein, 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

the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act.

X. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of unqualified Trustees previous to Conviction, valid.

XI. And be it further enacted, That the Trustees shall meet at the House of *William Thompson* in the Township of *Mickleton*, in the said North Riding of the County of *York*, or at some other convenient House near to the said Roads, on the Fourth *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and the Trustees shall proceed to the Execution of this Act, and shall then and there from Time to Time afterwards adjourn themselves for the better carrying this Act into Execution, as they shall think proper, to any Place upon or near to the said Roads; and in case a sufficient Number of Trustees shall not attend at any such Meeting, then it shall be lawful for the Clerk to the said Trustees to adjourn the said Meeting in the same Manner as the said Trustees could or might have adjourned the same.

Meetings of Trustees.

XII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or in case no Adjournment shall have been regularly made, then and in either of the said Cases, the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the said Trustees, which it shall be lawful for them to make, although not assembled at any Meeting held pursuant to the Directions of this Act, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, and of the Time, Place, and Purpose of such Meeting (such Time being not less than Seven Days after such Notice) and such earlier Meeting shall and may be held accordingly; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on Emergencies.

XIII. And be it further enacted, That all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise, and shall be entered in a Book or Books to be kept for that Purpose (except herein otherwise particularly directed); and that no Order or Determination shall be made, unless the major Part of the Trustees present at any Meeting shall concur therein, and such Orders and Proceedings so entered, and signed by a competent Number of the said Trustees (as the Case may require), shall be deemed to be original Orders and Proceedings; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of Tolls, and true examined Copies thereof, shall and may be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Order of Trustees to be made at Meetings and entered in a Book.

[Local.]

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XIV. Pro-

Orders how
to be re-
voked.

XIV. Provided always, and be it further enacted, That no Order made by the said Trustees shall be revoked or altered at any subsequent Meeting, unless by a Majority of Trustees at a Meeting where Seven at least shall be present, and at least Five of them shall concur therein.

Trustees may
appoint and
remove Offi-
cers.

XV. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any subsequent Meeting, as Occasion shall require, to elect, and by Writing under their Hands to appoint, a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls and Monies which shall be due and payable by virtue of this Act, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, and such other Officer or Officers as the said Trustees shall think proper, and from Time to Time to remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to elect and appoint others in the room of such of them as shall be removed or shall die, and out of the Monies to be raised or received by virtue of this Act to pay and allow to the several Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers so elected and appointed, and to such other Persons as shall assist them or any of them in and about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as to the said Trustees shall seem reasonable and proper; and every such Officer and Person as shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Trustees, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom, and for what Purpose, the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and he is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render up and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in his Hands, when thereunto required in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall direct or appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees of any such Neglect or Refusal to any Justice of the Peace for the County, Riding, or District where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and, upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear

to

to the said Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person; such Justice may and is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of making and taking such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County, Riding, or District where he shall live or reside, there to remain without Bail or Mainprize until he shall have delivered in and settled his Account, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies which shall appear to be in his Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; (and which Composition the said Trustees are hereby empowered to make and receive), or until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison by virtue of this Act for any longer Time than Twelve Calendar Months.

XVI. Provided always, and be it further enacted, That no Trustee shall be capable of voting on the Election of any Treasurer, Clerk, Receiver, Collector, Surveyor, or other Officer to be employed by the said Trustees in the Execution of this Act, unless he shall have attended and acted as a Trustee at some Public Meeting of the said Trustees, and signed the Book or Books in which the Orders and Proceedings of the said Trustees are usually entered, within the Space of Twelve Calendar Months preceding such Election.

Trustees who have not acted, &c. not to vote in the Choice of Officers.

XVII. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors appointed by virtue of this Act, for the due Execution of their Offices respectively, as the said Trustees shall think proper.

Treasurer, &c. to give Security.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and

Same Person not to be Clerk and Treasurer.

and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

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

XIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads; and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds.

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

XX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk 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 of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, or by the Act of any such Treasurer or Clerk without the Consent of the said Trustees, at a Meeting held in pursuance of this Act, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he shall pay, bear, expend, or be put unto, or become chargeable with, for or by reason of his being made Plaintiff or Defendant as aforesaid.

Trustees may erect Toll Gates.

XXI. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall direct or appoint, shall and may, as they may think proper, erect or cause to be erected such and so many Toll Gates or Turnpikes in, upon, or across such Parts and in such Places of the said Roads as they the said Trustees shall think proper and expedient,

and also shall and may erect or provide a Toll House to each of the said Toll Gates or Turnpikes, with suitable Conveniences, and shall and may pull down and remove the same, or any of them, to any other Place or Places, when and as often as they the said Trustees shall think proper, upon giving Twenty-eight Days previous Notice of the Meeting to be held for the Purpose of determining upon the Propriety of removing any such Toll Gate or Toll Gates respectively.

XXII. And be it further enacted, That the Right and Property in all the Toll Gates or Turnpikes and Toll Houses, and the several Conveniences and Appurtenances thereto belonging, which shall be erected, set up, or made upon the said Roads, or on the Sides thereof, by virtue of this Act, and all Materials for building and repairing the same, and for making the said Roads, and all the Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees for the Time being; and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage any of such Toll Gates or Turnpikes and Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state any of the Matters or Things hereby declared to be vested in the said Trustees, to be the Property of the Trustees of this Act, without naming or otherwise describing them.

Toll Gates,
&c. vested in
Trustees

XXIII. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall, after the Expiration of the Term for which such Tolls shall be leased, or for the Space of Two Days after the Demise, Lease, or Agreement for letting such Tolls shall be declared void, as herein-after mentioned, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Premises which shall have been demised to him or them, with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County, Riding, or Place where the Premises shall be situate, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer of the Parish or Place where the Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants to enter such Toll House or Toll Houses, Buildings and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees shall appoint in Possession of the said Toll House or Toll Houses, Buildings and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees.

For obtain-
ing Possession
of Toll
Houses.

XXIV. And be it further enacted, That the several Tolls herein-after particularly mentioned shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates to be erected by

Tolls to be
taken.

[Local.]

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virtue

virtue of this Act, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being, shall from Time to Time appoint for that Purpose (except as herein-after is expressly directed or provided to the contrary), before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, or Taxed Cart, Hearse, or Litter, the Sum of Nine-pence :

For every Horse, Mule or Afs, laden or not laden, and not drawing, the Sum of Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence per Score, and so in proportion for a greater or less Number :

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

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, the Sum of Four-pence; and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, the Sum of Five-pence; and having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Six Inches, but not less than Four Inches, the Sum of Sixpence; and having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Four Inches, but not less than Three Inches, the Sum of Seven-pence; and having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Three Inches, but not less than Two Inches and an Half, the Sum of Eight-pence; and having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Two Inches and an Half, Double the Tolls herein-before charged or made payable upon or for every Horse, Ox, or other Beast of Draught drawing the like Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Two Inches and an Half :

Which said respective Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned.

XXV. Provided always, and be it further enacted, That Waggon, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

XXVI. And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Horse, Beast, Cattle, or Carriage through any Gate or Turnpike to be erected by virtue of this Act, such Person, upon producing a Note or Ticket denoting Payment of such Toll, shall be permitted to pass through the same Gate or Turnpike with the same Horse, Beast, Cattle, or Carriage, Toll-free, in respect of such Horse, Beast, Cattle, or Carriage for which he or she shall have so paid the Toll as aforesaid on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis*, if demanded, on Receipt of such Toll, and every such Note or Ticket shall denote and specify the Gate or Gates to be Toll-free on the Production thereof.

Tolls to be paid but once a Day.

XXVII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day, to be computed as aforesaid, with the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act.

Number of Tolls limited.

XXVIII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or immediately after passing through the same, neglect or refuse to pay such Tolls or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Cattle, Beast, or Carriage, or other Thing, upon or for which such Tolls are hereby imposed, or any of the Lading, Harness or Accoutrements thereof respectively (except the Bridle or Halter apart from the Horse or other Beast), or any of the Goods and Chattels of, belonging to, or in Possession of the Person or Persons so then and there neglecting or refusing; and if such Tolls, or any Part or Parts thereof, so neglected or refused to be paid, 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 at any Time or Times thereafter sell the Horse or Horses, Cattle, Beast, Carriage, Thing or Things, so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unfold, upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls may be levied by Distress.

XXIX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from Sale thereof (as the Case may happen) until the Amount of Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the County, Riding, or District wherein the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and

Disputes about the Amount of Tolls to be settled by a Justice.

determine

determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Collectors of
Tolls not
incompetent
Witnesses.

XXX. 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 by the said Trustees 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 appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Regulations
as to Toll
Collectors.

XXXI. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed, either by the said Trustees or by any Lessee or Lessees, to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate immediately on his beginning to collect such Toll, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment; or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Side Gates.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, on the Side or Sides of the said Roads, and across any public Lane or Way leading out of the same, and there to receive and take any such Tolls as are by this Act granted and made payable, so that the same do not extend to an additional Charge in case of passing through any other of the Toll Gates or Turnpikes upon the said Roads.

XXXIII. And

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Seven Days Notice shall be given in Writing, to be affixed on all the Toll Gates then erected on the said Roads, from Time to Time, as they shall think proper, to lessen or reduce, and again to raise and advance, all or any of the Tolls hereby granted, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so that the respective Tolls so varied or altered do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction or Advancement be made with the Consent in Writing of the several Persons who shall be entitled to Two Third Parts of the Money then due on the Credit of the said Tolls; and such Tolls so varied, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be lessened.

XXXIV. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or other Beast of Draught, or Carriage passing or repassing through any of the Turnpikes or Toll Gates which shall be erected by virtue of this Act, when employed in carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Gravel, or other Materials, to be used on or about the said Roads, or for erecting, altering, or repairing any Bridge or Toll House or Toll Gate on the said Roads, or for the repairing any Highways in any of the Parishes, Townships, or Places in which the said Roads or any Part thereof respectively do lie, or returning empty when so employed; or carrying or conveying Hay or Corn in the Straw, or other Produce of Lands not sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof; or any Ploughs, Harrows, or other Implements of Husbandry, to be used in the Cultivation of Lands, or any Mould, Dung, Compost, or Manure, to be laid and spread on Lands, or any Lime to be used for Manure in any of the said Parishes or Townships through which the said Roads pass; nor shall any Toll be paid for any Horses, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes or Townships, or any of them; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, or Hogs going to or returning from Pasture on any Commons or other Grazing Grounds or Watering Places, or Blacksmiths Shops to be shod or having been shod; nor for any Horse or other Beast of Draught or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning having been so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his Sick Parishioners, or upon any other his Parochial or Ministerial Duty; or by any other Person going to or returning from his, her, or their usual Church, Chapel, or other Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for the Purpose of attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes or Townships; nor for any Horses, Cattle, Beasts, or Carriages which shall only cross the said Roads or either of them, and shall not pass more than One hundred Yards thereon; nor for any Horses or Carriages of whatsoever Description, when employed or going to be

General Exemptions from Tolls.

[Local.]

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employed

employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or his Deputies, either in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Soldiers on March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor 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 returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever; or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Westmoreland* and *York*, or either of them, 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 thereto, or shall make use of any Fraud whatsoever whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act: Provided always, that no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in respect of such Stores, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in or on any such Waggon, Wain, Cart, or Carriage, or of its being drawn by any Number of Horses or Beasts; 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 Beasts to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any Thing in this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads, to the contrary notwithstanding.

Carriages provided for His Majesty's Service not to be subject to the Regulations of this Act;

and may be drawn by any Number of Horses,

Tolls may be let to Farm.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, in such Manner and Form as is directed in that Behalf by the General Laws now in being for regulating the Turnpike Roads in *England*, from Time to Time to demise or let to Farm all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years on each Demise, for the best Rent or Rents which can be gotten for the same, payable in such Proportions, at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties, Surety, or Security for the Payment thereof, as the said Trustees shall think fit, and the Monies arising thereby shall be applied and

and disposed of in such Manner as the Tolls so leased are hereby directed to be applied.

XXXVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to Farm, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Thirty Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for the demising or letting thereof, then and in either of those Cases it shall be lawful for any Justice of the Peace for the County, Riding, or Place where the Premises shall be situate, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer of the Parish or Place where the Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar or Chain, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls, and to deliver Possession thereof to the said Trustees, or their Clerk or Treasurer, or any other Person or Persons authorized by Writing under their Hands; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessee's Part, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to Farm the said Tolls again to any other Person or Persons, or to cause them to be collected, as if no former Demise, Contract, or Agreement had been made relating thereto.

Possession of Toll Houses when let to Farm, may be taken from Lessees in certain Cases;

and Leases vacated.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding Twelve Calendar Months at any one Time, with all or any of the Inhabitants of the several Townships, Hamlets, Parishes, or Places to or through which the said Roads respectively lead, for the passing of his, her, or their Horses, Cattle, or Carriages through all or any of the Toll Gates to be erected on the said Roads or either of them, or on the Sides thereof respectively; which Composition Money shall be paid in Advance, and in Default thereof the Composition shall be void.

Trustees may compound for the Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons whomsoever, owning or occupying any Tenements, Lands, or Grounds near to the said Roads or either of them, or any Part thereof, shall knowingly or willingly permit or suffer any Person or Persons (save and except his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Employ, or any of his, her, or their Family) to pass through any inclosed Ground, Gate, Passage, or private Way with any Horse, Beast, Cattle, or Carriage on which a Toll is by this Act imposed, with

Penalty on permitting private Passages to evade Tolls,

an

or passing
through them,
or unloading
Goods, or
taking off
Horses;

or forging
Tickets;

or forcibly
passing
through
Toll Gates.

Roads may
be stopped
to prevent
evading the
Toll;

or Fences
made on
Commons.

an Intent to evade the Payment of the said Toll; or if any Person or Persons owning, going in, or driving any such Carriage, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way (not being the Owner or Owners, Occupier or Occupiers thereof, nor any of his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ, or his, her, or their Family) with Intent to evade the Payment of the said Toll or any Part thereof; or if any Person or Persons shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause to be taken off any Horse or Beast of Draught from any Carriage, either before or after the same shall have passed through any of the Toll Gates to be erected by virtue of this Act, or having passed through any of the said Toll Gates, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads, with Intent to avoid or evade the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable), any Note or Ticket with Intent to avoid or evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes without Payment thereof at such Gate or Gates; each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted, on the Oath of One or more credible Witness or Witnesses, before any One or more of His Majesty's Justices of the Peace for the County, Riding, or District wherein any such Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; one Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

XXXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace of the said County of *Westmoreland* and North Riding of the County of *York*, respectively, acting in their respective Jurisdictions, at any Special Session or Meeting, by Order under their Hands and Seals, to stop up and discontinue any Bye-Lane or Road opening into or communicating with the said Roads, or either of them, to be made and repaired by virtue of this Act, by means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do, but subject to such private or Occupation Roads (if any) as they shall think necessary, so as Twenty-one Days Notice be given by the Clerk to the Trustees of the Time, Place, and Purpose of such Special Session or Meeting, by affixing such Notice on all the Turnpike Gates then erected on the said Roads, and so as such Order of the said Justices be subject to Appeal within such Time and in such Manner as herein-after is provided.

XL. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, to cause Fences and Ditches to be erected and made over such Parts of any open Commons and Waste Grounds in or through which the said Roads pass, and in such other Places as they shall think necessary, in order to prevent Payment of the
said

said Tolls being evaded ; and if any Person or Persons shall pull down or otherwise displace or carry away any such Fence or any Part thereof, or shall fill up any such Ditch, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLI. And be it further enacted, That if the several Persons who have become Subscribers towards the Expences of passing and executing this Act, or any of them, shall, after Twenty Days previous Notice in Writing under the Hands of the Treasurer or Clerk of the said Trustees, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt or on the Case, Bill or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster* ; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

For recovering Subscriptions.

XLII. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, not exceeding the Sum of Four thousand Pounds in the whole, including the Money already subscribed, and which shall hereafter be subscribed ; and they are hereby authorized and empowered, by any Writing or Instrument under their Hands and Seals, from Time to Time to demise, mortgage, or assign all or any Part of the Tolls hereby granted, and the Turnpikes or Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereof, or any of them (the Costs and Charges of such Mortgages to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance such Sum or Sums of Money ; which said Mortgage or Mortgages shall be made in the Form or to the Effect following ; (that is to say),

Trustees may borrow Money on the Credit of the Tolls,

and mortgage them.

BY virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*] We of the Trustees for putting the said Act in Execution, in consideration of the Sum of _____ paid by _____ of _____ to the Treasurer of the said Roads, do hereby bargain, sell, and assign unto his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates, Bars, Chains, and Toll Houses for collecting the same, and the Buildings and Appurtenances thereto belonging, as the said Sum of _____ doth or shall bear to the whole of the Monies now due or hereafter to become due on Security thereof, to hold the same unto the said Executors, Administrators, and Assigns, from the

Form of Mortgage.

[Local.]

12 T

Day

‘ Day of the Date hereof, for and during the Continuance of the said Act,
 ‘ unless the said Sum of _____ with Interest for the
 ‘ same at the Rate of _____ per Centum per Annum, shall be sooner
 ‘ repaid and satisfied. Given under our Hands and Seals, this
 ‘ Day of _____ in the Year of our Lord One thousand eight hun-
 ‘ dred and _____

Mortgage to
 be entered in
 a Book,

and may be
 transferred.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer to the said Trustees, which Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; but no Money shall be borrowed upon Security of the Tolls after the First Meeting of the said Trustees, unless Twenty-one Days previous Notice shall be given, by affixing such Notice in Writing or Print upon all the Turnpikes then erected upon the said Roads; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment in the following Words, or in Words to the like Effect; (that is to say),

Form of
 Transfer.

‘ I *A. B.* of _____ [or *I. C. D.* of _____ Executor
 ‘ or Administrator of *A. B.* late of _____ or otherwise, as the
 ‘ Case may happen to be] in consideration of the Sum of _____
 ‘ to me paid by *E. F.* of _____ do hereby assign and
 ‘ transfer unto the said *E. F.* Executors, Administrators, and
 ‘ Assigns, a certain Mortgage or Security bearing Date the
 ‘ Day of _____ in the Year of our Lord _____
 ‘ under the Hands and Seals of _____ of the Trustees for
 ‘ carrying into Execution an Act passed in the Fifty-seventh Year of the
 ‘ Reign of His Majesty King *George* the Third, intituled [here set forth
 ‘ the Title of this Act], with all my Right and Title to the Principal Sum
 ‘ of _____ thereby secured, and all Interest now due and
 ‘ hereafter to grow due thereon. Dated this _____ Day of _____
 ‘ in the Year of our Lord One thousand eight hundred and _____
 ‘ Witnesses

Transfer to
 be notified
 and entered.

Which said Transfer shall be produced and notified to the Clerk or Treasurer for the Time being, who shall cause an Entry or Memorial to be made thereof in the said last-mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assignees to the Benefit thereof and Payment thereon, and every 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 to whom the same shall have been previously transferred, 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 Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, and Toll Houses, and the Buildings and Appurtenances thereto belonging, in equal Degree

Degree one with another; and no Person shall have any Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security. No Priority of Mortgages.

XLIII. And be it further enacted, That all Monies which shall arise and be produced by or from such Subscriptions as aforesaid, and by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following, (that is to say): In the First Place, in the Payment of all the Costs, Charges and Expences incident to or attending the obtaining and passing of this Act or relative thereto; in the Second Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of erecting and making necessary and convenient Bridges upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; in the Third Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Roads; and lastly, in reducing, paying off, and discharging the same several Principal Sums; and it shall be lawful for the said Trustees from Time to Time to ascertain the Order and Priority in which the same several Principal Sums shall be reduced or paid off and discharged, in such Way and Manner as they shall think fit. Application of the Money.

XLIV. And be it further enacted, That the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or them or by the said Trustees, is and are hereby empowered to cut, dig, gather, take and carry away any Stone, Gravel, Sand, or any other Materials proper for making or repairing the said Roads or any Arches or Bridges in or upon the same, or on the Side or Sides thereof, out of or from any Common or Waste Grounds, Common River or Brook, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, without paying any Thing for the same; such Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers and Cattle; and where there is not sufficient of any such Materials to be procured in any Common or Waste Grounds, Common River or Brook, the said Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justices of the Peace for the County, Riding, or District in which the Materials intended to be taken are situate, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid in, upon, or out of, from and over the Lands of any Person or Persons in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, (not being a Yard, Garden, Orchard, Park, Paddock, or Plantation, or a Nursery for Trees), making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be cut, gathered, taken, or carried away, or over which the same or any other Materials so cut, dug, Surveyors may get Materials in Wastes, &c. without Payment; and in private Lands, making Satisfaction.

dug, and gathered as aforesaid, shall be conveyed, as any Two Justices of the Peace within their respective Jurisdictions shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

Surveyor not to get Materials in private Grounds till after Notice, &c.

XLV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take or carry away, any Materials for making or repairing the said Roads, 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 last or usual Place of Residence, to appear before any Two or more Justices of the Peace for the County, Riding, or District wherein such Lands or Grounds lie, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall (if they think proper) authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, 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.

Penalty on taking away Materials raised by Surveyors, or digging in Pits not abandoned.

XLVI. And be it further enacted, That if any Person or Persons shall take away or cause to be taken away any Materials which shall have been dug or gathered in any Lands, Fields, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or amending the said Roads; or shall dig, get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty-eight Days (except the Owner or Owners, or Occupier or Occupiers of any private Grounds, and any Person or Persons authorized by such Owner or Owners to get Materials therein for his, her, or their own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials so taken away.

Nuisances by leaving Carriages, &c.

XLVII. And be it further enacted, That if any Person shall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Roads, without any Horse or other Beast of Draught yoked or harnessed thereto to draw the same (except in Cases of Accident, or for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to one Side of the Road as conveniently may be); or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads, or on the Sides thereof respectively; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber or Stone, otherwise than upon Wheel Carriage or Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any

any Part of the said Roads to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast or Cattle in or upon any Part of the said Roads; or shall hew or saw any Piece of Stone, Wood, or Timber; or bind, make, or repair (except in Cases of Accident) the Wheel of any Carriage; or (except in Cases of Accident) shoe, bleed, or carry any Horse or other Beast in or upon any Part of the said Roads, or play at Foot-ball or other Game in or upon any Part of the said Roads, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLVIII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Ashes, Dung, Filth, Rubbish, Straw, or otherwise; and to turn any Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads or any Part thereof respectively, in case the respective Owners or Occupiers of the Lands where such Annoyance shall happen to be shall neglect so to do for Five Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees by Writing under their Hands) shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, are herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall for every such second or subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyor
to remove
Annoyances.

XLIX. And be it further enacted, That no Person or Persons whatsoever shall make, raise, or set any new Wall or Hedge, Fence or Fences of Thorns or Quicks, in or upon any of the Lands or Grounds next adjoining to the said Roads, nearer to the Centre thereof than Fifteen Feet; and that if any such new Inclosure, Wall, Fence, or Hedge shall be made, it shall and may be lawful to and for the said Trustees from Time to Time, upon their View and Sight of such new Inclosure, Wall, Fence, or Hedge, to order such new Inclosure, Wall, Fence, or Hedge to be levelled, thrown down, and removed, and to levy the Expence attending such levelling, throwing down, and Removal upon the Offender or Offenders, in the same Manner as the other Penalties and Forfeitures inflicted by this Act are directed to be levied.

To prevent
Encroach-
ments by
Fences.

L. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads, shall be made and hung to open and swing inward towards such Field or Ground, and

Gates to open
inwards.

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not

not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Roads to be measured, and Mile Stones, &c. erected;

Penalty on defacing them, &c.

LI. And be it further enacted, That the said Trustees shall cause the said Two Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles and Distances from Places, as they shall think proper, and also shall cause to be set up on or near the said Roads such and so many Direction Posts as they may think necessary; and if any Person or Persons shall wilfully break, damage, or pull up any of such Mile Stones, Mile Posts, or Direction Posts, or shall in any Manner injure or damage the Causeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the said Stones or Posts, and shall be thereof lawfully convicted before any Justice or Justices of the Peace for the County, Riding, or District, by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be paid to the said Trustees, or to their Treasurer or Clerk, to be applied for the Purposes of this Act.

Power to make Causeways, &c.

LII. And be it further enacted, That it shall be lawful for the said Trustees, or the said Surveyor or Surveyors, or such other Person or Persons as the said Trustees shall appoint, to make Causeways or Footpaths along the Side or Sides of the said Roads or either of them, and to cut or make Ditches, Drains, or Watercourses upon and through any Grounds not being a Garden, Orchard, Yard, Paddock, Planted Walk, or Avenue to a House, lying contiguous to the said Roads or either of them, in order to drain or wash the said Roads, and to prevent the same from being overflowed, as such Surveyor or Surveyors, or other Person or Persons by Order of the said Trustees, shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Grounds for the Damages which they or any of them shall sustain thereby, as the said Trustees shall adjudge reasonable; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by the Justices of the Peace for the County, Riding, or District wherein the Matter in Difference shall arise, at their General Quarter Sessions of the Peace for such County, Riding, or District, within Four Calendar Months next after such Difference shall arise.

Riding, &c. on Footways, &c.

LIII. And be it further enacted, That if any Person or Persons shall wilfully ride or drive any Horse, Beast, or Cattle upon any Footway or Causeway

Causeway made or to be made on the Side of the said Roads, or either of them, for the Accommodation of Persons travelling on Foot, or shall wilfully draw or drive any Barrow, Truck, Dray, Sledge, or other Carriage on any such Footway, and shall be convicted thereof by his or their own Confession, or by the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the County, Riding, or District wherein such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay such Sum of Money as such Justice or Justices shall adjudge, not exceeding Twenty Shillings.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to widen, turn, vary, or alter any Part or Parts of the said Roads, or either of them, intended to be made and repaired by virtue of this Act, for shortening the same, or rendering the same more commodious, or for the better Accommodation of Passengers, according to the Map or Plan herein-before referred to; and that such Variation of the said Roads or either of them may be made through or over any Moor, Common, or Waste Ground, without making any Satisfaction for the same, and also through or over any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein; for the Damage that they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the Line of such Roads or either of them, or for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may anywise sustain by such widening, turning, varying, or altering such Roads or either of them, and to pay for the same, out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase; which Roads or either of them, when widened, turned, varied or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, including the Ditches; and such Lands and Grounds, when so purchased as aforesaid, shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall from thenceforth be deemed and taken as a public Common Highway, and Part of the Roads to be repaired by virtue of this Act.

Trustees may widen, turn, or alter Roads, and purchase Lands for that Purpose.

Contract for that Purpose.

Roads widened, &c. to be Thirty Feet.

LV. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them any such Lands

Trustees may contract for Lands, etc.

or

or Hereditaments, or any Part thereof, for any of the Purposes aforesaid^s 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 whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Where Persons neglect or refuse to treat, Damages to be settled by a Jury.

LVI. And be it further enacted, That if any such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body or Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is to be diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County wherein such Lands are situate; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury and examine on Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees 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 inquired of and assessed such Damage and Recompence, they the said Trustees 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 such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands are situated, requiring him to impanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees 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 summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn

sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, 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 make up 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, but shall not challenge the Array; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who 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 a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the Jury, and being tendered a reasonable Sum for his, her, or their Expences, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Ten Pounds on any one Person for one Offence.

LVII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to or offered by or on behalf of the said Trustees, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or District wherein such Difference shall arise, not interested in the Matter in Question (who is hereby empowered and required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures; provided,

How Expences of Jury to be paid.

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that

that in all Cases where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

Dwelling
Houses, Gar-
dens, &c.
not to be
damaged.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the previous Consent of the Owner or Proprietor thereof, testified by Writing under his or her Hand; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Old Roads
may be sold.

LIX. And be it further enacted, That after any Land shall have been purchased and laid into the said Roads or either of them, or any Part thereof, in pursuance of this Act as aforesaid, such Part and Parts of the old and former Road, in lieu whereof such Lands and Grounds shall be purchased for such new Road as aforesaid (unless the same shall lead over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead), shall be vested in the said Trustees, and shall and may be disposed of by them for the best Price that can be reasonably got for the same; and the Money arising by such Sale shall be applied and disposed of in amending and improving the said Roads by this Act directed to be made; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds comprising the said old Road, being executed by the said Trustees, and enrolled amongst the Records of the Sessions of the Peace of the County, Riding, or District where such Lands shall be situate, shall vest the Property of the same Lands and Grounds in the Person or Persons to whom the same shall be so sold and conveyed to all Intents and Purposes whatsoever, and the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Persons
whose Lands
adjoin to
have the
Preference.

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

by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Toll House, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, or District wherein such Action shall be brought, stating that such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road or Toll House (as the Case may be), and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if such Owner shall be willing to take such old Road or Toll House in Exchange for such new Road or Toll House, it shall be lawful for the said Trustees, and they are hereby required to convey and assure the same to such Person in Manner aforesaid.

LXI. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid, out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as hereinafter mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, or depositing the same in the Bank of *England* in Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence or Satisfaction, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn such Roads or either of them through or over such Lands or Hereditaments, and do all and every such Act, Matter and Thing, with relation to such Lands or Hereditaments, as the said Trustees shall think fit; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and every Part thereof.

Money agreed upon or assessed how to be paid and tendered.

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

Application of Compensation when amounting to 200l.

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 meantime, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application when Money does not amount to 200l. but shall amount to 20l.

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

Application when the Money is less than 20l.

LXIV. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their

their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for the Purchase of any Lands 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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [describing them] subject to the Order, Control, 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 Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles,

or if Persons cannot be found;

Purchase Money to be paid into the Bank;

subject to the Order of the Court.

LXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands 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 of 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 Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise as to the Title to Money.

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

LXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations 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 Court of Chancery, 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 Trustees of this Act, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

Lords of
Manors, &c.
to have the
same Interest
in the new
asold Roads.

LXVIII. And be it further enacted, That Lords of Manors or other Proprietors shall have the same Interest and Property in and to the Soil and Royalties of or within such new Roads, as they were seised or possessed of or entitled unto in the former Roads, and in lieu whereof such new Roads shall be made; and that all Mines and Fossils lying under any Grounds made use of for the Purposes of this Act, and not constituting any Part or Parts of the present Roads, as well as under the former Roads, shall continue to be the Property of the Person or Persons who from Time to Time would have been seised of or entitled to the same, in case this Act had not been made; and in case the Owner of any such Ground shall require a Certificate from the said Trustees of the Quantity and Situation of Ground so made use of, the said Trustees are hereby empowered and required to grant such Certificate *gratis*; and such Certificate may be enrolled in the Office of the Clerk of the Peace of the County, Riding, or District wherein such Ground shall lie, and a true Copy thereof, signed by such Clerk of the Peace or his Deputy, shall be deemed legal Evidence of the same.

Persons, &c.
liable to
Repairs to
continue so.

LXIX. And be it further enacted, That where the said Roads or either of them, or any particular Part or Parts thereof respectively, or any Bridges, Arches, Drains, Sewers or Watercourses, in or upon the said Roads or either of them, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any County, Riding, Parish, Township, or otherwise howsoever, all and every such Part and Parts of the said Roads respectively, and all such Bridges, Arches, Drains, Sewers and Watercourses, shall from Time to Time be maintained and kept in Repair by such Person and Persons, Bodies Politic and Corporate, Corporations, County, Riding, Parishes or Townships, and in such Manner as the same ought to have been maintained and kept in Repair in case this Act had not been made.

StatuteDuty.

LXX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or either of them, or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor

from Time to Time to adjudge, order, and determine what Part or Proportion of the Statute Work shall be done in and upon the said Roads hereby directed to be made and repaired, by the Inhabitants of or Occupiers of Lands and Tenements in the several Parishes, Townships, or Places through which the said Roads respectively do or shall pass; and also what Proportion of the Composition Money received by the Surveyors of the Highways of such Parishes, Townships, and Places respectively, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them respectively paid to the said Trustees or their Treasurer; and in order thereunto it shall be lawful for such Justices, and they are hereby required from Time to Time, on such Application as aforesaid, to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in before such Justices, at some Place to be expressed in such Summons, at such Time, not being less than Ten Days then next following, as the said Justices shall direct, true and perfect Lists in Writing of the Names of the several Persons who within such Parishes, Townships, or Places respectively, shall be 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 by each Person; which Lists shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may, and are hereby required, to allot, appoint, and order such and so many of the Persons who shall appear subject and liable to the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, upon the said Roads or either of them, 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 on such Parts of the said Roads respectively, 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 order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, or Places respectively, from the several 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, shall be paid, and at what Time the same shall be so paid by such Surveyors to the said Trustees or their Treasurer; and in default of Payment thereof, the same shall or 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 this Act authorized or directed to be recovered; and each and every Person so appointed and ordered to do such Statute Work as aforesaid, who shall neglect or refuse to perform the same, after Four Days Notice in Writing given to or left with him, her, or them, at his, her, or their usual Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent to work as a Labourer, or who shall be sent with any Team or Draught

Lists of Persons liable to do Statute Work.

Composition Money.

Neglecting to do Statute Work.

Surveyors
refusing to
deliver Lifts.

Draught to work on the said Roads or either of them, 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 sending such Labourer, Team, or Draught, shall be subject to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads or either of them; all which Forfeitures shall be paid to the Treasurer to the Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lifts as aforesaid, or shall knowingly and wilfully give in false or imperfect Lifts, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound for
StatuteDuty.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound or agree by the Year or otherwise with the Owners and Occupiers of any Lands, Tenements, and Hereditaments liable and chargeable with or towards the Repair of any Part of the said Roads or either of them, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, and Places in which the said Roads or either of them lie, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, Hamlets, and Places, upon any Part of the said Roads; all which Composition Monies shall be paid in advance; and such respective Surveyors shall be repaid or reimbursed all the Composition Monies which shall be so paid by them, and may recover the same in like Manner as Surveyors of the Highways are by Law enabled to recover the Monies by them expended in buying Materials for repairing the said Highways.

Trustees may
contract for
Repairs.

LXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for the repairing of the said Roads or either of them, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money, annually or otherwise, and for such Considerations, as the said Trustees shall think proper.

Penalties and
Forfeitures
how to be
recovered and
applied.

LXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences and Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace for the County, Riding, or District wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, 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 or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required

required to grant for those Purposes, and to administer such Oath; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, Riding, or District, 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.

LXXIV. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following, *mutatis mutandis*, as the Case may happen to be:

County of Westmoreland, or North Riding of the County of York (as the Case may happen to be) to wit:

BE it remembered, That on [Time of Conviction] at [Place of Conviction] A. B. [Name of Offender] of [Addition of Offender] was duly convicted before me [or us] [Name and Style of convicting Justice or Justices] for that the said A. B. [Name of Offender] on [Time of committing Offence] at [Place of committing Offence] did [here state the Offence against this Act according to the Fact] contrary to the Form of the Statute made in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled [here set forth the Title of this Act]: And I [or we] do therefore declare and adjudge that the said A. B. [Name of Offender] has forfeited for the said Offence the Sum of [Fine] or shall be committed to [Place of Imprisonment] for the Space of [Time of Imprisonment.] Given under my Hand and Seal [or our Hands and Seals], the Day and Year first above written.

Form of Conviction.

LXXV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

LXXVI. Provided always, and be it further enacted, That if any Person shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act (save and except any Order, Determination, Proceeding, Matter, or Thing herein-before directed to be final) and for which no particular Relief hath been herein-before provided, such Person or Persons

Persons aggrieved may appeal to the Quarter Sessions.

[Local.]

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may,

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may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County, Riding, or District wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, Riding, or District, with sufficient Sureties conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded against him, her, or them by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Public Act.

LXXVII. 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.

Commencement and Duration of Act.

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

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