



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. lxxxi.

An Act for making and maintaining a Turnpike Road to branch off from the Great North Road at the South End of *Barnsdale* through *Pontefract*, and from thence to a certain Place called *Thwaite Gate*, all in the West Riding of the County of *York*. [14th June 1819.]

WHEREAS the making and maintaining of a Turnpike Road, to branch off from the Great North Turnpike Road leading from *Doncaster* to *Ferrybridge*, in the West Riding of the County of *York*, at the South End of a certain Place called *Barnsdale*, in the Parish of *Skelbrook*, through the several Parishes of *Smeaton*, *Badsworth*, *Ackworth*, *Pontefract*, *Castleford*, *Methley*, and *Rothwell*, and from thence to communicate with the Turnpike Road leading from *Wakefield* to *Leeds*, at or near a certain Place called *Thwaite Gate*, all in the West Riding of the County of *York*, would be of great Benefit to the Public in general travelling between *Doncaster* and *Leeds*, as well as to the Owners and Occupiers of Estates and Inhabitants within or near the said several Parishes or Places, by avoiding many steep, long and dangerous Hills, and by effecting a considerable saving in Distance between *Doncaster* and *Leeds*; but which cannot be carried into Effect without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's

[Local.]

23 X

Justices

Trustees.

Justices of the Peace acting for the West Riding of the County of York, *William Aldam, William Appleby, the Reverend John Atkinson, Sir John Beckett Baronet, Thomas Davison Bland, John Blayds, John Blayds junior, the Reverend Theophilus Barnes, George Banks, Christopher Beckett, John Brook, Charles Brown, Edward Baines, James Berry, J. Clayton, Benjamin Dealtry, Thomas Dunhill, John Dibb, the Reverend Edward Frank, Richard Fawcett, John Allenby Forrest, Thomas Firth, Benjamin Gott, William Gatliffe, Godfrey Higgins, Thomas Houldsworth, the Reverend William Robert Hay, Henry Hall, Charles Harris, Henry Harris, Joshua Hepworth, Edward Hemingway, James Holdforth, Cristopher Hardcastle, Benjamin Hunter, Benjamin Hopp, Bernard Hartley, Samuel Hartley, John Hardy, William Townend Hepworth, Thomas Ikin, Benjamin Jowett junior, Joseph Johnson, Joshua Jefferson, the Right Honourable Viscount Lascelles, John Lowther, William Lee, John Leatham, William Leatham, Flintoff Leatham, Darcy Mather Lever, Robert Pemberton Milnes, Richard Rodes Milnes, Michael Mitton, James Muscroft, Joseph Mellin, Joseph Marshall, Pym Nevins, Robert Oliver, Thomas Oxley, the Right Honourable Lord Viscount Pollington, the Honourable Edward Robert Petre, John Perfect, William Perfect, William Purslove, Grosvenor Perfect, George Pyemont, William Prest, Sir John Ramsden Baronet, Peter Rhodes, Abraham Rhodes, John Robinson, Frank Sotheron, Josiah Smithson, John Seaton, Robert Seaton, Robert Smalley, Robert Smith, Edward Trueman, Henry Taylor, William Tomlinson, George Thackray, Thomas Teal, Christopher Mann Torre, Thomas Tennant, Sir Edmund Mark Winn Baronet, Sir Francis Lindley Wood Baronet, Charles Winn, Richard Wilsford, Richard Wilson, Thomas Wilson, John Wilson, Thomas Walton, Thomas Everard Upton, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, widening, improving, and keeping in Repair the said intended Road, and for carrying this Act into Execution.*

Power to
appoint
additional
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of this Act, from Time to Time, and as often as they shall think necessary, to elect and appoint any Number of Persons not exceeding Ten to be Trustees for executing this Act, in addition to the Trustees herein mentioned; and that such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed in and by this Act.

Appointment
of Trustees in
room of such
as shall die or
refuse to act.

III. And be it further enacted, That when any Trustee shall die, or shall signify his Intention not to act, by Writing under his Hand delivered to the Clerk to the said Trustees, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands, at any Meeting, whereof at least Seven Days Notice shall have been given upon all the Turnpike or Toll Gates to be erected in pursuance of this Act, to nominate and appoint One other Person to be a Trustee in the Room and Place of every Trustee so dying or refusing to act as aforesaid; and all Persons who shall be so nominated and appointed (being qualified as herein-after mentioned) are hereby invested with the same Powers and Authorities for putting this Act into Execution as the Persons in whose Places they shall be respectively nominated and appointed were invested with.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds.

Qualification
of Trustees.

V. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath or Affirmation herein-after mentioned), shall take and subscribe an Oath (or, being of the People called *Quakers*, an Affirmation), before any Five or more of the said Trustees, who are hereby empowered to administer the same, in the Words or to the Effect following :

Trustees to
take an
Oath.

[In the Case of an Owner of Real Estate:]

I do swear, [or, being one of the People called *Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* seised or possessed of in my Right, [or, in the Right of my Wife], and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situated in the County of *York*, of the clear Yearly Value of One hundred Pounds above Reprizes :

[Or in case of an Heir Apparent:]

I do solemnly swear, [or, being one of the People called *Quakers*, do solemnly affirm,] That I am Heir Apparent of who, to the best of my Knowledge, is truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements or Hereditaments, situated in the County of *York*, of the clear Yearly Value of One hundred and fifty Pounds above Reprizes :

[And in case of Personal Estate:]

I do swear, [or, being one of the People called *Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* possessed of a clear Personal Estate, to the Amount or Value of Four thousand Pounds, and that I will truly and faithfully execute the Powers and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [here set forth the Title of this Act], according to the best of my Skill and Judgement, without Favour or Affection to any Person or Persons whomsoever. So help me GOD.

And if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, (except in administering such Oath or Affirmation as aforesaid), or being so qualified, shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation (except as aforesaid), every such Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons

Penalty on
Persons act-
ing not being
qualified.

Act of un-qualified Trustees previous to Conviction to be valid.

Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all such Acts and Proceedings of any such Person acting or who shall act as Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; and 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, or be concerned or interested in any Contract, or shall be a Lessee or Farmer of the Tolls or any Part thereof, under this Act.

Trustees may act in both Characters.

VI. Provided also, and be it further enacted, That all such Trustees as are or shall be Justices of the Peace may act as Justices of the Peace, within their respective Jurisdictions, in the Execution of this Act, notwithstanding their being Trustees, excepting only in Cases where they are personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money, upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

Trustees lending Money not to be disqualified on that account.

Time of Meeting.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *Rotation Office*, in *Pontefract* aforesaid, on the *Monday* next after the passing of this Act, between the Hours of Twelve of the Clock at Noon and Three of the Clock in the Afternoon; or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at such Time and Place in or near the said Road as the said Trustees, or any Five or more of them, shall from Time to Time think proper; and that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Toll Gates which shall then be erected upon the said Road, at least Ten Days before the next intended Meeting, adjourn the Meeting to such Time and Place as he or they shall think fit, not exceeding Six Weeks next after the Day such last Meeting was appointed to be held; and in case the Clerk or Clerks to the said Trustees shall neglect or refuse to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting; at any Time or Times, after the Space of Ten Days after such Neglect, Refusal, or Prevention of any such Clerk or Clerks, by Notice in Writing under

Clerk to adjourn and call a Meeting if a sufficient Number of Trustees do not attend to act or ad-

under their Hands, to be affixed in manner aforesaid, to appoint the Trustees to meet at some convenient Place in or near the said Road, upon the Tenth Day next after the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, and no Adjournment shall be made to, or any Meeting appointed to be held at, any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees, in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein-after particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, nor unless the Person or Persons applying to have any such Order revoked or altered shall give Notice thereof in Writing to the said Clerk or Clerks, to be by him or them given in manner herein-before mentioned; at least Seven Days previous to any Meeting.

journal, or neglect to adjourn.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought expedient or necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that case the Clerk to the said Trustees, upon an Order in Writing signed by any Three or more of them, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order of the said Trustees (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Proceedings of the Trustees at such Meetings as aforesaid shall be as valid and effectual as they would have been in case such Meeting had been held in pursuance of an Adjournment; and the said Trustees, or a Majority of them, at all Meetings to be held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements, in the Execution of this Act, and no such Order, Determination, or Agreement shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein.

Meetings on Emergencies.

IX. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by a Majority of the Trustees present at their respective Meetings, the whole Number present not being less than Five; and all Acts, Proceedings, Matters and Things done and executed by the major Part of the said Trustees so present, except such as are herein particularly directed to be done and executed by any greater Number of them, shall be good, valid, and effectual as if the same had been done and executed by all the said Trustees herein named or hereby appointed.

Five Trustees to be a Quorum.

X. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of

Victuallers not to be Trustees.

[Local.]

23 Y

taking,

taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Ale House, or other Place of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Trustees not to be concerned in Contracts.

XI. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

Appointment of Officers, &c.

XII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, from Time to Time to appoint a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, and such other Officers and Persons as they shall think necessary to be employed in the Execution of this Act, and from Time to Time to remove; and on Removal, Death, or Resignation of any such Clerks, Treasurers, Surveyors, Collectors, or other Officers, to appoint others in their Stead; and out of the Monies to arise by virtue of this Act, to make, allow, and pay such Salaries, Rewards, and Allowances to the Clerks, Treasurers, Surveyors, Collectors, and other Officers and Persons for their Attendance, Care, Labour and Service, as to them the said Trustees, shall seem reasonable; and all such Officers and Persons shall at such Time and Times and in such manner as the said Trustees shall direct, deliver to such Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by such Officers and Persons respectively received and collected by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers and Receipts for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person (being required so to do), shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees such Vouchers and Receipts, or shall neglect or refuse to pay the Money due on such Account 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 appoint, within Ten Days after being thereunto required in Writing by the said Trustees, all Books, Papers, or Writings, in his or their Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, Riding, Borough, or Place wherein such Person may be or reside, upon Complaint being made to them by the said Trustees, and such Justices within their respective

Officers to account.

Proceedings against Officers neglecting to account.

Jurisdiction

Jurisdiction are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their 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; and if upon the Confession of the Officer or Officers, Person or Persons against whom such Complaint shall be made, or upon the Oath or Oaths of any Witness or Witnesses, or upon the Inspection of the Accounts, if produced, it shall appear to such Justices that any of the Monies which have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of acting and making such Distress, and of selling the same; or if such Officer or Officers, or other Person or Persons shall not appear before the said Justices at the Time and Place by them appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act or to the said Road, then and in either of the said Cases such Justices may and they are hereby authorized and empowered, by any Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Borough, Riding, or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have given or made a perfect and true Account and Payment as aforesaid, or until he or they shall have compounded or agreed with the said Trustees, and have paid such Composition Money, in such manner as the said Trustees shall appoint, (which Composition the said Trustees are hereby empowered to make); or until he or they shall deliver up such Books, Papers and Writings as aforesaid, or shall give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Person who shall be committed by virtue of this Act for want of a sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the 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 if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the 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, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt,

Clerk not to
be Treasurer,
and vice
versa.

or

or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Treasurers
and Receiv-
ers to give
Security.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to take such sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officer or Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees shall think proper; and no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Accounts to
be kept.

XV. 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 the Name or Names of each Subscriber to the said intended Road, and the Sum and Sums by them respectively subscribed or agreed to be subscribed, and true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sum of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open for the Inspection of the said Trustees, and the Subscribers to the said Road, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees, Subscribers, and Creditors, or any of them, shall or 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 shall refuse to permit the said Trustees, Subscribers, or Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

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

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue and in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees or any of them, by virtue or on Account of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of the said Clerk or Clerks, or by the Act or Acts of such Clerk or Clerks, without the Consent of the said Trustees; but the Clerk or Clerks for the Time being to the said Trustees shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, (as the Case may be,) in every such Action or Suit: Provided always, that every such Clerk or Clerks in whose Name or Names any such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action, Suit, or Proceedings he or they shall bear, pay, expend, or be put to, or become chargeable with, by reason of his or their being
so

so made Plaintiff or Plaintiffs, Defendant or Defendants therein, as aforesaid.

XVII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Order and Proceedings so entered shall be signed by the Trustees making the same, or by their Clerk; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments and Transfers thereof, and also the Book or Books herein-before directed to be kept for entering the Names of the Subscribers towards the making of the said intended Road, with the Amount of the several Subscriptions, and all other Matters relating thereto, or touching any thing done in pursuance and by the Authority of this Act, shall be admitted as Evidence in all Courts whatsoever.

Orders to be entered, and Books admitted as Evidence.

XVIII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls hereby granted, the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and lawfully may, by Writing under their respective Hands, nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver so dying, incapacitated, absconding, or absenting himself, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person so dying, becoming incapable, absconding, or absenting would have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll Gate, Turnpike, Toll House, or Building to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or by their Clerk or Treasurer for the Time being, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Division, Borough, or Place where such Toll Gate, Turnpike, Toll House, or Building shall be erected, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for such County, Riding, Borough or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, Chattels, and Effects out of the same, and to put the said Trustees, or any of their Officers or other Persons, into the Possession thereof, for the Purpose of collecting and receiving the Tolls herein granted and made payable.

Trustees to appoint temporary Collectors.

XIX. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall appoint, shall and may erect and set up or cause to be erected and set up, such and so many Toll Gate or Toll Gates, Turnpike or Turnpikes, Weighing Machine or Weighing Machines, upon, in, or across such Part or Parts of the said Road, as they

Toll Gates to be erected.

[Local.]

23 Z

the

the said Trustees shall think proper and expedient; and also shall and may erect, set up, and provide a Toll House or Toll Houses, with suitable Out-buildings and Conveniences thereunto, at or near each of the said Toll Gates or Turnpikes and Weighing Machines, and from Time to Time to take down, remove, alter, or discontinue any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Buildings, and remove the same to any Part or Parts of the said Road, as they the said Trustees shall think expedient.

XX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the following Tolls and Duties at each and every of such Toll Gate or Toll Gates, Turnpike or Toll Houses, Side Bars, Side Gates or Chains, not exceeding the Number herein-after mentioned to be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, or any Part thereof, as the said Trustees shall from Time to Time see fit, and that before any Horse, Beast, or other Cattle, Coach, Waggon, or any other Carriage shall be permitted to pass through the same respectively; (that is to say),

Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Sociable, Berlin, Phaeton, Landau, Chariot, Vis-a-Vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage, the Sum of Eight-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Sixpence:

For every Horse or other Beast of Draught, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and under Nine Inches, the Sum of Seven-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Nine-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eleven-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Eight-pence *per* Score, and so in proportion for any greater or less Number.

Which said respective Tolls or Sums of Money shall be demanded and taken before any Carriage, Horse or Horses, Beast or other Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike; and all and every such Tolls 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 herein-after mentioned; and upon Payment of any of the said Tolls, the Collector or Receiver shall, and he is hereby required to deliver, *gratis*, to the Person paying such Toll, a Note

or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which shall be freed by such Payment.

XXI. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby authorized and required to erect and set up a Toll Gate or Turnpike upon some Part of the Estate of the Right Honourable *William Lord Stourton*, within the Township of *Rothwell Haigh*, in the Parish of *Rothwell* aforesaid, at which Toll Gate or Turnpike there shall be demanded and paid, over and above and in Addition to the Tolls herein-before mentioned and intended to be hereby imposed at the said Toll Gate or Turnpike, the Sum of Nine-pence upon or in respect of each and every Horse drawing a Cart, Waggon, or other Carriage laden with Coals, not being the Produce of or got from any Coal Mines on the Estate of the said Lord *Stourton* within the Parish of *Rothwell* aforesaid, which Toll shall be payable and paid for every such Horse, under and subject to the Regulations and Directions herein contained with respect to the Collection of the other Tolls hereby authorized to be taken.

Imposing additional Toll upon Coal, except Lord Stourton's.

XXII. 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 by the Person or Persons so authorized to receive the same, neglect the Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Carriage, Horse, Beast, or other Cattle, upon which any Toll is by this Act imposed, or any of the Loadings, Harness, or Accoutrements thereof respectively (save and except the Bridle or Reins of any such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Distress and of keeping the same, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, or other Property so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) to arise by such Sale, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges attending such Distress and Sale shall be deducted.

Power of Distress in case of Non-payment.

XXIII. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay the said Tolls for or in respect of any such or the same Horse, Beast, Cattle, or Carriage, at more than One Turnpike or Toll Gate to be erected on the said Road at or between *Barnsdale* and *Pontefract*, nor at more than Three Turnpikes or Toll Gates to be erected on the said Road at or between the North End of *Pontefract* and *Thwaite Gate*; and that if any Person or Persons shall have paid the said Tolls for the passing of any Horse or Cattle, Beast, or Carriage, through any of the Turnpikes or Toll Gates to be erected or set up by virtue of this Act, such Person or Persons shall be permitted to pass Toll-free with the same Horse, Cattle, Beast, or Carriage, through the same Turnpike or Toll Gate, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

No more than certain Tolls to be paid on each Line of the said Roads.

Tolls to be taken but Once a Day.

XXIV. And

Side Gates
may be
erected.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains on the Side or Sides of the said Road, and upon or across any Road not being a Turnpike Road, Lane, or Byeway leading into or out of the same; and at such Toll Gate or Toll Gates, Turnpike or Turnpikes, to receive and take such Tolls, and no more, as are by this Act granted and made payable at any Toll Gate or Toll Gates, Turnpike or Turnpikes to be erected by virtue hereof; but nevertheless, no Person shall be liable to the Payment of any Toll or increased Charge by reason of his passing through any Side Gate or Side Bars, or Chains to be erected and set up by virtue of this Act upon or across any Lane or Road leading into or out of the said Road, through any other of the Turnpikes to be erected by virtue of this Act across such Road, beyond what he would be liable to pay if he had passed through any of the said Gates only, any thing herein contained to the contrary notwithstanding: Provided nevertheless, that the Inhabitants of the Town of *Glass Houghton* shall not be liable to pay any Toll with any Horse, Cattle, Cart, or Carriage, whether riding, driving, drawing, or otherwise, at any Side Bar which may be erected within that Town on the Road to *Ferrybridge*.

If any Dis-
pute shall
arise, touch-
ing the
Amount of
the Tolls to
be paid, the
Collector dis-
training may
keep the Dis-
tress until the
Matter shall
be settled.

XXV. Provided always, and be it further enacted, That if any Dispute shall happen concerning the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same, shall be ascertained by some Justice of the Peace for the County, Riding, Borough, or Place where such Distress shall happen, who, upon Application made to him for that Purpose, shall examine the Matter on Oath or Affirmation (if a Quaker) of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due; and award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of the said Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

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

Toll Houses
vested in
Trustees.

XXVII. And be it further enacted, That the Right and Property of and in the Tolls, Gates, Turnpikes and Toll Houses, and the several Buildings, Conveniences and Appurtenances thereunto belonging, which shall be erected or provided by virtue of this Act, and of and in the Materials
for

for building and repairing the same, and for repairing the said Roads, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be, and the same are hereby vested in the said Trustees for the Time being, and they are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Information or Indictment against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure, or damage any of the Toll Gates, or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid; and in case of all such Indictments and Informations it shall be sufficient to allege the Property so dug up, broken or pulled down, stolen, taken or carried away, spoiled, destroyed, injured or damaged, to belong to and be the Property of the "Trustees of the Turnpike Road from *Barnsdale* through *Pontefract* to *Leeds*."

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, so that the same or any Part thereof be not reduced more than One-half; and such Tolls so lessened or reduced shall continue to be demanded and taken for such Time or Times, or on any Market-day or Market-days, as they the said Trustees shall think proper; and afterwards it shall be lawful for the said Trustees assembled as aforesaid, from Time to Time to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and such reduced Tolls shall and may be demanded, collected, recovered, paid, applied and assigned in such and the same Manner as the said Tolls are directed to be demanded, collected, recovered, paid, applied and assigned; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Four Fifth Parts of the Money which shall have been lent on the Credit of the Tolls intended to be reduced, shall be consenting thereto; and no such Meeting shall be held for the Purpose of such Reduction unless Ten Days previous Notice at the least shall be given thereof in Writing to be affixed on all the Toll Gates or Turnpikes which shall then be erected by virtue of this Act upon the said Road.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting whereof Fourteen Days Notice shall have been given in Writing, to be affixed upon all the Toll Gates or Turnpikes then erected upon or across the said Road from Time to Time, by Writing under their Hands, to lease and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time, in such Manner, and under such Conditions and Agreements, and to such Person or Persons, and with such Sureties for the Payment thereof, as they the said Trustees shall think fit, and the Monies arising thereby shall be applied

[Local.]

in such Manner as the Tolls so leased or demised are directed to be applied.

Obtaining Possession of Toll Houses when let to Farm.

XXX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Turnpikes erected or to be erected on the said Roads, shall at any Time or Times during the Continuance of this Act, be demised or let to Farm to any Person or Persons whomsoever, and if 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 for the Space of Twenty-one Days next after any or either of the Days on which the same ought to be paid pursuant to the Agreement for letting the same, then and in either of the Cases aforesaid it shall be lawful for any one Justice of the Peace for the County, Division, Borough, Riding or Place, where such Toll Gates or Turnpikes shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls then payable; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement for letting or leasing 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 and Agreements for Payment of the Rent or Rents thereby reserved, and as to any Breach or Nonperformance of any other Covenants or Agreements therein contained which may have been previously incurred) 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 Person or Persons, or cause them to be taken and collected in such Manner as if no former Contract or Agreement had been entered into relative thereto.

Trustees empowered to compound for Tolls.

XXXI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for the Passage of all or any Description of his or their Horses, Cattle, Beasts or Carriages, through all or any of the Turnpikes or Toll Gates to be erected on the said Road, or on the Sides thereof, save and except the said Toll of Nine-pence *per* Ton on the said Road in the Parish of *Rothwell*, which Composition shall be paid Yearly in advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are hereby directed to be paid and applied.

Penalty on evading Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage, go or pass through or over any Occupation Road, Land, Ground or Place lying near any Turnpike or Toll Gate, which shall be erected by virtue of this Act, (the same not being a public Highway), and such Person or Persons not being the Owner or

Owners, Occupier or Occupiers thereof, or his or their Servant or Servants, or Person or Persons in his, her, or their Family, with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons being the Owner or Occupier, Owners or Occupiers of any such Ground, Land or Place, shall knowingly or wilfully permit or suffer any Person or Persons, (not being in his, her or their Service or Employ, or of his, her, or their Family) with any Horse, Cattle, Beast or Carriage whatsoever, to go or pass through or over such Lands, Ground or Place, with Intent to evade any of the said Tolls; or if any Person or Persons shall forge, counterfeit or alter, or shall deliver to or receive from any other Person or Persons any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, or shall unload or cause to be unloaded any Goods, Wares or Merchandize, or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate or Turnpike, or having passed through any Toll Gate or Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall or may be evaded, such Person or Persons, and every of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Toll Bar which may be erected upon the Estate of the said Lord *Stourton*, within the said Township of *Rothwell Haigh*, except in the Case or Cases herein-after mentioned, of or from him the said Lord *Stourton*, his Heirs or Assigns, or the Owners or Occupiers for the Time being of his or their Estates, Coal Mines, or Hereditaments within the Township of *Rothwell Haigh* aforesaid, or of his, their or any of their Servants, Workmen or Labourers (when employed as such) passing or repassing with any Horse, Beast or other Cattle, Wain, Cart or other Carriage, whether laden or unladen, over or along any Part of the said intended Road, within the Township of *Rothwell Haigh* aforesaid; or of or from any other Person or Persons passing or repassing as aforesaid, with any Horse, Beast or other Cattle, Wain, Cart or other Carriage, going for, carrying or conveying, or returning empty after having carried or conveyed any Coals only, being the Produce of any Mines on the Estate of the said Lord *Stourton*, within the Parish of *Rothwell* aforesaid, any thing herein contained to the contrary notwithstanding.

Exemption from Toll for Lord *Stourton* and his Tenants, and others fetching Coal from his Collieries.

XXXIV. Provided always, and be it further enacted, That in case the Trustees appointed to put into Execution an Act made and passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from Leeds to Sheffield, in the County of York*; one other Act made and passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty, for repairing the Road from Leeds to Sheffield in the County of York, so far as the same relates to the Road from Leeds to Wake-*

Power to collect Toll from Lord *Stourton* and others exempted in case of Removal of *Hunslet Bar*.

field;

field; one other Act made and passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Thirty-first Year of King George the Second, and Tenth Year of His present Majesty, so far as relates to the Road from Leeds to Wakefield*; and one other Act made and passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for altering and enlarging the Powers of several Acts passed in the Thirty-first Year of the Reign of His late Majesty and in the Tenth and Thirty-second Years of the Reign of His present Majesty, so far as relates to the Road from Leeds to Wakefield in the County of York*, shall remove a Bar or Gate now standing on the Road between *Leeds* and *Wakefield*, called the *Hunslet Bar*, or any Bar which may be set up in lieu thereof, between the Place where the Road authorized to be made by this Act shall join and communicate with the said *Leeds* and *Wakefield* Road, and the Town of *Leeds* aforesaid, then, and not otherwise, it shall and may be lawful for the said Trustees hereby appointed to demand, collect and receive at any Toll Bar to be erected upon the said Estate of the said Lord *Stourton*, within the said Township of *Rothwell Haigh*, of and from him the said Lord *Stourton*, his Heirs or Assigns, or the Owners or Occupiers for the Time being of his said Estates, and their respective Labourers, Servants and Workmen, and of and from all other Persons conveying Coals, the Produce of any Coal Mines of the said Lord *Stourton*, as well as from all other Persons whatsoever, such and the same Tolls for the Passage of Horses, Beasts, Cattle and Carriages as now are or hereafter may be payable at the said *Hunslet Bar*: Provided always, that the said Toll of Nine-pence *per Ton* on Coals not the Produce of the Estate of the said Lord *Stourton*, shall be paid in like Manner as though the said *Hunslet Bar* had not been removed.

Empowering Trustees to contract for Exemption from or Reduction of Tolls on the Leeds and Wakefield Road.

XXXV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees hereby appointed to make any Agreement or Arrangement with the Trustees appointed under and by virtue of the said Act, passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from Leeds to Sheffield in the County of York*, and of the said Three other Acts passed in the Tenth, Thirty-second, and Forty-third Years of the Reign of His present Majesty, for continuing and enlarging the Powers thereof, for the Purpose of obtaining an Exemption from or Reduction of the Tolls taken or to be taken upon the said *Leeds* and *Wakefield* Turnpike Road at the Bar called the *Hunslet Bar*, for Persons travelling upon the Line of the said intended new Road with Horses, Cattle, Carts, or Carriages, upon such Terms and Conditions as they the said Trustees hereby appointed shall think just and right, and can obtain.

General Exemptions.

XXXVI. And be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses or other Beasts employed in carrying or conveying, or going to carry or convey, or returning after having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Road, or any of the Roads or Bridges in the Townships in which any Part of such Road doth lie; or any Hay, Clover, Turnips, Straw, or Corn in the Straw, or other Produce of the Land not sold or disposed of, or going to be sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owner or Owners, Occupier

Occupier or Occupiers thereof; or any Corn or Grain going to be ground, or returning from being ground at the Windmill belonging to the Coporation of *Pontefract*; or for any Waggon, Wain, Cart, Carriage, or Horse going to or from *Pontefract* Market on the Market Day, laden with Corn or Grain only; or going empty to fetch, or returning empty the same Day, after having conveyed such Corn or Grain; or for any Cart, Waggon, Wain, or other Carriage, Horse, Beast, Cattle or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; or of any Waggon, Wain, Cart, Carriage or Horse or Beasts employed in carrying or conveying, or going empty to carry or convey, or returning empty after having been employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry, or any Lime, Mould, Dung, Compost, or Manure whatsoever for manuring Lands; or for any Horse or Cattle going to or returning from Pasture or Watering Place, or for the Purpose of being shod; or from any Person going to or returning from his proper Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the Parishes through which the said Road lies; or from any Clergyman going to perform or returning after having been performing Duty at any Church or Chapel; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is or shall be dressed in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for any Horse, Cattle, or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back after having been employed in conveying the same; or to charge with Toll any Horses or Carriages belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Cart, or Waggon attending any Soldiers upon their March or upon Duty, or drawing any Carriage attending them laden with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horses, Cattle, Beasts, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, or of a Burgess or Burgesses, to serve in Parliament for the County of *York*, or for any Place situate within the said County, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit

[Local.]

24 B

and

and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Exemption from Toll in favour of His Majesty's Lessees, in Right of the Duchy of Lancaster.

XXXVII. And whereas His Majesty, in Right of His Duchy of *Lancaster*, and his Lessees of Lands known by the Name of *Pontefract Park District*, have recently been at the Expence of forming and making a considerable Part of the said intended new Road called *Pontefract Park Road*; be it therefore enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Carriage of whatsoever Description, belonging to or employed, or to be employed by His Majesty's Lessees or Tenants resident upon or within the late Park of *Pontefract*, or the Circuit or Precinct thereof, passing or repassing between the Northern Extremity of the *Pontefract Park Road* and the Town of *Pontefract*.

Exempting Coal and Lime in *Glass Houghton*, and the Inhabitants of that Township, from Toll.

XXXVIII. And whereas the Owners or Occupiers of Estates within the Township of *Glass Houghton* have recently been at the Expence of opening a Part of the Line of the said new Road, between the North End of *Pontefract Park Lane* and the Town or Village of *Glass Houghton*, and it is therefore expedient that such Exemption from Toll should be granted to them as after-mentioned; be it therefore enacted, That no Toll shall be demanded or taken of or from any Person or Persons passing or repassing along any Part of the said Road, with any Horse, Ass, Mule, Beast, or other Cattle, Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, or returning empty the same Day, after having carried or conveyed any Coal or Limestone only, which may be got from or out of any Coal Pits or Lime Quarries situate within the said Township of *Glass Houghton*, or any Coal or Limestone only from or out of the Coal Pits or Lime Quarries in the Estate called *Wheldale*, belonging to the Provost and Scholars of *Queen's College, Oxford*; nor shall any such Toll be demanded or taken on the *Pontefract* Market Days at any Toll Bar which may be erected between the said Towns of *Glass Houghton* and *Pontefract*, of or from any *bonâ fide* Inhabitant Householder within the said Township of *Glass Houghton*, or other Person or Persons in his, her, or their Service or Employ, or of his, her, or their Family, going to or returning from the said Town of *Glass Houghton* to *Pontefract*, whether riding, drawing, or otherwise.

Exemptions in favour of Waggons, granted by 55 G. 3. c. 35. to extend to this Act.

XXXIX. Provided always, and be it enacted, That all Waggons, Carts, or other such Carriages having their Wheels formed and of the Dimensions and Axletrees fixed as directed by an Act passed in the Fifty-fifth Year 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 the Privileges and Exemptions granted thereby.

Exempting Carriers conveying His Majesty's Stores, &c. from Penalties for Overweight.

XL. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon,
Wain,

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

XLI. And be it further enacted, That for the preventing of Frauds on the Toll Collectors at any of the said Toll Gates, by Carts or Waggons, Horses or other Beasts, passing empty or unladen, under the Pretence of going for Coals to be got from the Estate of the said Lord *Stourton*, or for Coals or Lime or Limestone, to be got from Lands in the said Township of *Glass Houghton*, or the Estate of *Wheldale*, hereby severally exempted from Toll as aforesaid, the Owner or Driver of every empty Waggon, Cart or Carriage, or unladen Horse or Beast, shall in all Cases pay the Toll in respect of such Waggon, Cart, or Carriage, Horse or Beast, before the same shall be permitted to pass through such Turnpike Gate; and that the Collector of such Toll shall thereupon deliver to such Owner or Driver a Ticket descriptive of the exempted Article about to be fetched, with the Date when so delivered, and the Amount of the Toll so paid, all which Sum or Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart, or other Carriage, Horse or Beast, so laden with Coals, Lime or Limestone, upon his or their returning on the same Day with such Waggon, Cart, or other Carriage, Horse or Beast, so laden as aforesaid, and producing such Ticket, countersigned by the Manager or Agent of or for the said Coal Mines or Lime Quarries, as the Case may be, the Produce whereof is so exempted as aforesaid; and every Collector of such Toll refusing or neglecting to return the Amount thereof upon the Return of such Waggon, Cart or other Carriage, Horse or other Beast, and Production of such Ticket, countersigned as aforesaid, shall for every such Offence forfeit and pay to the Owner of such Waggon, Cart, or other Carriage, Horse or other Beast, a Penalty of not less than Ten Shillings or more than Forty Shillings, upon Conviction before One or more Justices of the Peace for the West Riding of the County of *York*, upon the Oath of One or more credible Witness or Witnesses, which Oath such Justice or Justices are hereby empowered and required to administer; and if the same shall not be paid upon such Conviction, the Person or Persons so offending shall and may be committed to the House of Correction at *Wakefield* for any Term not exceeding One Month.

For preventing Frauds in the Claims of Exemption.

XLII. And, for preventing similar Frauds by the Owners or Drivers of Carts, Waggons, or other Carriages, Horses or other Beasts, claiming such Exemption as aforesaid, though loaded with Coals or Lime or Limestone, got upon or from other Estates than those the Produce whereof is so exempted as aforesaid; be it enacted, That the Manager or Agent for every such exempted Colliery or Lime Quarry shall deliver to the Driver of every such Cart, Waggon, or other Carriage, Horse or other Beast, fetching Coal or Lime therefrom, a Ticket descriptive of the exempted Article delivered to him, with the Date of such Delivery, which Ticket shall be given up to the

Further Provision against fraudulent Claims of Exemption.

the Toll Collector at the first Gate through which such Cart, Waggon, or other Carriage shall pass, who shall thereupon, and not otherwise, allow the Exemption required; and in case any such Manager or Agent shall fraudulently give or deliver any such Ticket as aforesaid to any Driver or Owner of any Cart, Waggon, or other Carriage, Horse or other Beast, without having supplied or delivered to such Driver or Owner the Article of Coal or Lime therein referred to, such Manager or Agent shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered and applied in such Manner as other Penalties are by this Act recoverable and to be applied.

Penalties on obstructing Toll Collectors.

XLIII. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause to be assaulted, interrupted or hindered, any Collector of the Tolls employed in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Punishing Toll Collectors misbehaving.

XLIV. And be it further enacted, That all and every of the Toll Collectors, being Lessees of the said Tolls, or appointed either by the said Trustees, or by any Lessee or Lessees, to collect the Tolls payable at any Toll Gate or Toll Bar 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, on 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 Two Inches in Length, and of a Breadth in Proportion; and painted either in Black Letters on a White Ground, or White Letters on a Black Ground; and shall continue the same so placed during the whole Time he shall collect such Tolls, or be upon such Duty; and if any Collector of the same Tolls, shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and 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 Toll, and naming and specifying the several Gates freed by such Payment (in case of any such Payment), or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate or Toll Bar; 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 Five Pounds for every such Offence, as the Justice, or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XLV. And

XLV. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls by this Act granted, in addition to the Monies already subscribed or agreed to be advanced, such Sum and Sums of Money as they shall think fit, and by Writing or Instrument under their Hands and Seals to demise or mortgage the said Tolls, or any Part or Parts thereof, and of the Toll Gates, Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgage 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 their Trustees, who shall advance such Sum or Sums of Money; and that such Mortgage or Mortgages may be in the Form following, or in other Words to the like Effect; (that is to say,)

Power to
borrow
Money.

‘ BY virtue of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [here inserted the Title of this Act], we, _____ of the Trustees for putting this Act into Execution, in Consideration of the Sum of _____ to the Treasurer of the said Road in hand paid, do hereby grant, bargain, and sell, and demise unto _____ Executors, Administrators, and Assigns, such Portion of the Tolls arising upon the said Road, and of the Toll Gates, Turnpikes, and Toll Houses for collecting the same, as the Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit thereof; to be had and holden from the _____ Day of _____ during the Continuance of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ *per Centum per Annum*, shall be sooner paid off and satisfied. In Witness whereof, we have hereunto set our Hands and Seals, this _____ Day of _____ in the Year of our Lord _____ One thousand eight hundred and _____

Form of
Mortgage.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward: Provided always, that no Money shall be borrowed on the Credit of the said Tolls beyond the Sum which shall be fixed upon by the Trustees at the First Meeting to be held in pursuance of this Act, unless Notice be affixed for that Purpose in Writing upon all the Turnpikes or Toll Gates then erected upon the said Road, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then existing Creditors shall consent thereto; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to or indorsed upon such Security, before One credible Witness, in the following Words, or Words to the like Effect; (that is to say),

Mortgages to
be entered in
a Book or
Books.

‘ I the within named _____ [or, I, _____, Assignee, Executor, or Administrator of the within named _____ [as the Case may be] do transfer the within Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and to all Interest now due and hereafter to become due thereon, unto

Form of
Transfer.

[Local.]

24 C

his

his [or, her] Executors, Administrators, and Assigns. Dated this
 Day of One thousand eight hundred and
 Witnesses to the signing thereof.

Transfers to
 be entered by
 the Clerk.

Which Transfer shall be produced and notified to the said Clerk within
 Thirty Days next after the Date thereof, who shall cause an Entry or
 Memorial to be made thereof in the before-mentioned Book or Books,
 containing the Dates, Names of the Parties, and Sums of Money therein
 transferred, for which Entry or Memorial the Clerk 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
 Assigns, to the Benefit thereof, and Payment of the Principal and Interest
 thereby secured; and such Assignee may in like Manner assign or transfer
 the same again, and so *toties quoties*, and it shall not be in the Power of any
 Person or Persons (except the Person or Persons to whom the same shall
 be last transferred) to make void, release or discharge the original Security,
 or the Monies due thereon, or any Part thereof; and all Persons to whom
 any such Mortgages, Assignments, or Transfers shall be made as aforesaid,
 shall be, in proportion to the Sum or Sums of Money therein respectively
 mentioned, Creditors on the Tolls and Toll Houses, in equal Degree one
 with another, and shall have no Preference in respect of the Priority of
 advancing any such Monies, or of the Dates of such Mortgages, Assign-
 ments, or Transfers.

No Priority
 of Mortgage.

For recover-
 ing Interest
 of Money
 lent.

XLVI. And be it further enacted, That the said Trustees are hereby
 required to pay and discharge yearly, the Interest of all Monies which shall
 be borrowed upon Security of the said Tolls; and in case the same shall
 be behind and unpaid for the Space of Sixty Days next after the same
 shall become due and payable as aforesaid, and after Demand thereof made,
 that then it shall and may be lawful for any Justice of the Peace for the
 West Riding of the County of York, by an Order under his Hand and
 Seal, to appoint One or more Person or Persons to receive the said Tolls
 hereby granted, or any Part thereof; and it is hereby declared to be as so
 much Money received to the Use of such Person or Persons to whom such
 Interest shall then be due, until all such Interest, together with the Costs
 and Charges of recovering and receiving the said Tolls shall be fully paid
 and satisfied; and after such Interest and Costs shall be paid and satisfied,
 the Power and Authority of such Receiver for the Purposes aforesaid shall
 cease and determine.

Money sub-
 scribed, &c.
 vested in the
 Trustees;

Application
 thereof.

XLVII. And be it further enacted, That all Sums of Money that are
 already subscribed, or agreed to be advanced, or which shall at any Time
 or Times be subscribed, advanced, and paid by any Person or Persons, for or
 towards the making of the said Road, and which shall arise and be pro-
 duced by and from the Tolls by this Act granted and made payable, together
 with the Monies which shall be borrowed upon the Credit thereof, 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 be applied to and for the
 several Uses, Intents, and Purposes herein-after mentioned; that is to say,
 in the First Place, in Payment of all the Costs, Charges and Expences
 which have been incurred in, or incidental to, or attending the applying for
 or obtaining the passing of this Act; in the Second Place, in defraying the
 Expences of purchasing Land, and such Dwelling Houses and Buildings as
 are

are hereby authorized to be taken and pulled down, and which may by the said Trustees be thought necessary to be taken for making and widening of the said intended Road; in the Third Place, in defraying the Expences of erecting and providing Toll Gates, Turnpikes, Toll Houses, and other Buildings, and the Salaries of Clerks and Surveyors, and of making, altering, and forming the said Road hereby intended to be made as aforesaid, and otherwise executing the Purposes of this Act; in the Fourth Place, in paying the Interest accruing from Time to Time upon the several Principal Sums which shall or may at any Time or Times hereafter be borrowed or secured upon the Tolls hereby granted; in the Fifth Place, in amending, preserving, maintaining, and repairing the said Road; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall be secured in pursuance of this Act, in such manner as the said Trustees shall think most proper.

XLVIII. And be it further enacted, That if any Person or Persons who hath or have already subscribed, or consented to subscribe, any Money towards the Expences of obtaining and passing this Act, or carrying the same into Execution, or any other Person or Persons who shall hereafter become, or consent in Writing to become, a Subscriber or Subscribers for the Purposes aforesaid, shall after Twenty-one Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at the Dwelling House, or usual Place or Places of Abode of such Person or Persons, neglect or refuse to make Payment of the respective Sums by him, her, or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall and may be lawful for the said Trustees to bring or cause to be brought any Action or Actions of Debt, or on the Case, Bill, Plaint, or Suit, against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanse shall be allowed; and after Proof of such Person or Persons having subscribed or consented to subscribe, and such Notice having been given as aforesaid, a Verdict shall be given for the Plaintiff or Plaintiffs in all such Action and Actions, and Execution shall issue thereupon, as the Case may require.

Compelling
Payment of
Subscrip-
tions.

XLEX. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Road, and such other Person or Persons as shall be employed by him or them for that Purpose, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials proper for the repairing of the said Road, from any Commons or Waste Grounds, common Rivers or Brooks, in any Parish, Township or Place wherein any Part of the said Road lies, or in any adjoining Parish, Township or Place, without paying any thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same shall not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, but under such Restrictions as herein mentioned, to search for, dig, get, take, and carry away such Materials, in, upon, and out of, through, from, and over, the Lands of any Person or Persons whomsoever (the same not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any

Surveyors
may take
Gravel, Sand,
&c. filling up
Pits, &c.

any House, or any inclosed Ground planted or set apart as a Nursery for Trees).

Notice to be given to Occupiers of inclosed Lands, before Materials are taken thereupon.

L. Provided always, 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, get, take or carry away any Materials for making or repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County, Borough or Riding where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, to authorize such Surveyor or other Person or Persons to dig, get, 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 by 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.

Satisfaction for Materials and Damages.

LI. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby to the Owners and Occupiers of such Lands or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands or Grounds as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages or the Value of such Materials, it shall be lawful for any Two or more Justices of the Peace for the County, Riding or Borough where or from whence such Materials shall be so cut, dug, gotten, gathered, taken and carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

Penalty on taking away Materials got by Surveyors.

LII. Provided always, and be it further enacted, That if any Person whomsoever shall take any Materials which shall have been dug or gathered in any Ground, River or Brook, for the Purpose of making, repairing, or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein, for the Space of Forty-eight Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall

shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied and applied in Manner hereinafter mentioned.

LIII. And be it further enacted, That if any Person or Persons shall leave any Waggon, Cart or other Carriage in, upon, or on the Side of the said Road, 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, or in case the same shall not during such Time be 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, Furnace or Forge Cinders, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever in or upon any Part of the said Road, or on the Causeway or Footpaths to be made by the Sides thereof; or if any Person or Persons shall cause to be drawn upon any Part of the said Road any Tree or Piece of Timber or Stone, otherwise than upon a Wheel Carriage or Wheel 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 Part of the said Road, to the Prejudice or Injury thereof; or if any Person shall, after having blocked or stopped any Carriage whatsoever in going up any Hill or other rising Ground, leave, or permit or suffer to be or remain, the Stone or other Thing made use of in the blocking or stopping of such Carriage; or if any Person or Persons shall slaughter, singe, scald or dress any Beast or Cattle in or upon any Part of the said Road, or the Causeway or Footpath to be made by the Side thereof; or if any Person or Persons shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent or other Firework whatsoever, on any Part of the said Road, or shall play at Football or any other Game or Games, to the Annoyance of any Passenger upon the said Road or any Part thereof, or in any Lands immediately adjoining thereto, or shall otherwise obstruct or impede the Passage thereupon respectively; or if any Person shall turn loose, or permit or suffer any Horse or other Beast or Swine to run loose, or stray or graze on the said Road, or on the Side or Sides thereof, then and in every such Case every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Nuisances in leaving Carriages on the Road.

LIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Road by Timber, Stones, Carriages, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, or to turn any Watercourses, Sinks, Gutters or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen or make deeper any Watercourses, Gutters or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary; and at the proper Season of the Year to cut down or lop any Branches, Shrubs or Bushes growing or to grow on the same Road, or in the Hedges or Banks adjoining thereto respectively (not being a Garden, Orchard, Plantation, Walk or Avenue to a House, and such Trees not being an Ornament or Shelter to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Ten Days next

Surveyors to remove Annoyances.

[Local.]

24 D

after

after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, cut down or remove such Branches, Shrubs or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses, Gutters or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down or lop such Branches, Shrubs or Bushes, or to open, scour or cleanse, widen or deepen any such Watercourses, Gutters or Ditches, or to remove such Annoyances as aforesaid, and shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereby directed to be levied, recovered and applied; and if after removing any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person shall for every such Second or other repeated Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates to
open inward.

L.V. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Turnpike Road or Footpaths belonging thereto, or be suffered to continue so to open (except the hanging Posts thereof shall be Thirty Feet at the least from the Centre of any such Part of the said Turnpike Road); and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure having any Gate opening outwards contrary to the Meaning of this Act, shall, within Ten Days after Notice to him, her or them given, either personally or in Writing, from the Surveyor of the said Turnpike Road, cause such Gate to be hung so that the same shall open inward and not swing toward the said Turnpike Road (wherever the same shall be practicable), but in every case in such a Manner as that no Part of the Gate, when open shall project over any Part of the said Turnpike Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Turnpike Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the District or Division of the West Riding of the County of York, where such Neglect shall appear, and upon Conviction, upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum, not exceeding Five Pounds, for his or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

No Wind-
mills to be
erected with-
in Two hun-
dred Yards
of the Road.

L.VI. And be it further enacted, That such Part of the said Road as shall be opened or made within the Township of *Rothwell-Haigh* shall be of the Width of Forty Feet at the least; and that no Windmills shall be erected within the Space of Two hundred Yards of any Part of the said Road.

Mile-stones
to be set up.

L.VII. And be it further enacted, That the said Trustees shall and they are hereby required to cause the said Road to be measured, and Stones or Posts to be placed and set up in or near the Sides thereof, with Inscriptions thereon, denoting the Number of Miles and Distances of Places from any Town or Place; and also such and so many Guide or Direction Posts upon such Parts of the said Road as are or may be crossed or joined by

other Roads, as they the said Trustees shall think proper; and if any Person or Persons shall wilfully pull up or damage any such Direction Post or Mile Post, or Stone, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Amount of the Damage which may be done thereby; to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties, Fines and Forfeitures hereby inflicted or imposed.

Penalty on defacing them.

LVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make or cause to be made any Footpath or Causeway, for the Use of Foot Passengers, in or along the Side of any Part or Parts of the said Road, in such Manner as they shall see convenient; and also to cut or cause be cut any Ditches, Drains or Watercourses in and upon the said Road, and also in, through, or across any Lands or Grounds lying contiguous thereto, and from Time to Time to erect, rebuild and keep in Repair such Bridges and Arches upon the said Road, or across any such Ditches, Drains or Watercourses, as they shall think necessary.

Trustees may make Footpaths, &c.

LIX. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, or other Way or Ways made or to be made upon or by the Side of the said Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle, Beast or Swine, or any Carriage, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or shall wilfully pull up, remove, injure or damage any Post, Rail, Stone, or Fence which shall be put up for the Protection or Security of such Footpath or Causeway, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, over and above the Amount of the Damage which may be done thereby, which said Penalties shall be levied and recovered in manner herein-after mentioned, and shall be applied towards the repairing of the said Road, and to and for no other Purpose whatsoever.

Penalties on Persons injuring Footpaths, &c.

LX. And be it further enacted, That it shall be lawful for the major Part of the Trustees present at any Meeting, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to make, widen, divert, alter, turn, or repair any Part or Parts of the said Road, within the Limits herein-after mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried, in, upon, through or over any Lands, Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may sustain thereby; and also to erect, build and keep in Repair any Bridges or Arches upon, over, or along the said Road where necessary; and also that it shall be lawful for the said Trustees, or such major Part as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Grounds or Hereditaments through which, or whereupon the said Road, or the Alterations hereby authorized to be made, is or are intended to pass, and to strike out and make the same in such Manner as the said Trustees, or such major Part as aforesaid, shall think necessary or proper, so as that the said Road shall

Power to divert, turn, and alter the Road.

shall not in any Case be made or be diverted, or altered to be or be made or run within a less Distance than Fifteen Yards from the Westernmost Side of a certain Fish-pond of the said Lord *Stourton*, situate in the *Glass-House Farm* in the Township of *Rothwell Haigh* aforesaid, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds and Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may sustain thereby, such Damages to be ascertained and settled, in case of any Dispute concerning the same, in such and the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is herein directed to be ascertained and settled; and if any Person shall pull up, remove or destroy any of the Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be made according to Plan deposited.

LXI. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan, or Book of Reference; and that the said Trustees in making the said Road 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, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, are, or may be Owner or Owners of Lands or Premises over which the same is or are 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 described, or altogether omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County, Riding, Borough, or Place wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited and remain in the Custody of the Clerk of the Peace for the County, Riding, Borough, or Place where such Lands and Hereditaments shall be situate.

Certain Buildings to be taken down.

LXIII. And be it further enacted, That it shall and may be lawful to and for the Trustees, or their Surveyor for the Time being, or any other Person or Persons to be employed under them or him in the making of the
said

faid Road, to take down and remove the Buildings or Erections mentioned in the Schedule to this Act (and no other), on reasonable Recompence being made to the Owners and Occupiers thereof, such Recompence to be settled and adjusted as herein-after mentioned, in case of any Dispute about the Value thereof.

LXIV. And be it further enacted, That in all Cases where the said Trustees shall make or cause to be made, or shall turn or alter any Part or Parts of the said Road, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Road, the said Trustees shall make or cause to be made and planted, good and proper Two-years old (at the least) transplanted Quickset Hedges or Fences on both Sides of such new Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and sufficiently guarded and protected with good and substantial double Posts and Rails, (the Posts to be of Oak, and the Rails of Oak, Ash, or Larch), to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates with substantial Gate Posts, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences, Posts, Rails, and Gates so to be made in good Order and Repair for and during the Term of Three Years from the Time that such Fences shall have been made or set up.

Trustees to fence any new Road.

LXV. And whereas the present Highway by *Monkhill*, from the said Town of *Pontefract* to *Castleford* aforesaid will, after the Completion and opening of the said Road hereby directed to be made, become useless, and the shutting up and discontinuing the same is necessary for the Collection of the said Tolls hereby authorized to be taken; be it therefore further enacted, That when and so soon as the said intended Turnpike Road shall have been completed and opened for the Use of the Public (to be ascertained by a Certificate under the Hands of Two or more Justices of the Peace for the West Riding of the County of *York*), then, and not sooner, so much and such Part of the said Highway as extends from a certain Lane leading to the Farm called *Fairy Hill Farm* to the Northern Extremity of the said Township or Borough of *Pontefract*, shall to all Intents and Purposes whatsoever cease and discontinue to be a Highway, and be no longer used as such; and that from and after the same shall have been so discontinued, it shall not be lawful for any Person or Persons at any Time to use, claim, or demand the said Part of the said last-mentioned Road as a public Highway, upon any Pretence whatsoever, either with any Horse, Beast, Cattle, or Carriage, or as a Way or Passage for Passengers on Foot; and that such discontinued Part of the said Highway shall and may be sold in the Manner and under the Directions and Regulations herein-after contained in similar Cases: Provided always, that nothing herein contained shall be made to alter any such Part of the said Highway as is between the aforesaid Lane to *Fairy Hill* and the Town of *Pontefract*, but the same shall continue to be made and upheld as a public Road by the said Township of *Pontefract*, and be kept in good and sufficient Repair by the Inhabitants thereof, as if this Act had never passed into a Law.

For stopping up the Monkhill Road.

LXVI. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees to contract and agree with the Owners

Trustees may purchase and incapacitate

[Local.]

24 E

of

Persons sell
Lands and
other Here-
ditaments
wanted for
the Purposes
of this Act.

of and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls or other Monies to be received or raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Committees, and all Feoffees in Trust, Executors and Administrators, Guardians or other Trustees whomsoever, for or on Behalf of any Infant, Femer Covert, Cestuique Trusts, and for all and every other Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands, Grounds, or Hereditaments, either for their own Use and Benefit, or for the Use or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts and Agreements, Sales and Conveyances which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, shall be and are hereby indemnified from what they shall do by virtue and in pursuance of this Act: Provided nevertheless, that all the Coal and other Minerals in or under any of the Lands and Grounds of the said Lord *Stourton* which shall be so purchased or taken for the Purposes herein mentioned, shall be reserved unto and for the Use of him the said Lord *Stourton*, and of the Person and Persons who shall for the Time being be entitled to the Estates and Hereditaments within the Parish of *Rothwell* aforesaid.

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

LXVII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons as aforesaid, interested in any such Lands, Grounds, Houses, Buildings, or Hereditaments upon Notice to him, her, or them, given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers, of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, Houses, Buildings, and Hereditaments intended to be taken in and added to any Part of the said Road, and through which the same shall be intended to be made, diverted, turned, or altered, as aforesaid, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every and on any such Cases the said Trustees shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Borough, Riding, or Place in which such Lands, Grounds, Houses, Buildings, or Hereditaments shall be, (which Oaths the said Trustees are hereby empowered and required to administer)

what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons interested as aforesaid, for or on account of the taking of such Lands, Grounds, or Hereditaments into the said Road, and of pulling down the said Houses or Buildings, or any Part thereof, or of making, diverting, turning, or altering such Road, or any Part thereof, into and through such Lands, Grounds, Houses, Buildings or Hereditaments; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as Witness or Witnesses touching or concerning the Premises, (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer) and they the said Trustees shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees shall think fit; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the Owners, Occupiers, or Proprietors of or other Person or Persons interested in the said Lands, Grounds, Houses, Buildings or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order or Determination so had and made shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever claiming or to claim in Possession, in Fee, or in Tail, General or Special, Reversion, Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever, and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anywise interested in such Lands, Grounds, Houses, Buildings, or Hereditaments, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or on Payment thereof into the Bank of *England* in manner by this Act directed, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and for the summoning and returning of such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County, or the Mayor of the Borough of *Pontefract*, in case the Premises in Dispute shall be situate within his Jurisdiction, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff and Mayor, their Deputy and Deputies, are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so empannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall, and they are hereby empowered and required to draw and ballot, and to swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy, or the said Mayor or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be

be speedily procured to attend that Service, to make up the Number of Twelve.

The Juries may be challenged, and Sheriffs, &c. fined for default.

LXVIII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any Sheriff or his Deputy or Deputies, Mayor or his Deputy or Deputies, Bailiffs, or Agents making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or shall refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as the other Penalties, Forfeitures, and Fines are herein-after directed to be levied, applied, and disposed of, so that such Fine shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy or Deputies, Mayor or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

Money agreed upon to be assessed for Lands, &c. how to be charged and tendered.

LXIX. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be paid by the said Trustees out of the Money subscribed, or the other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or upon Payment into the Bank of *England*, in manner herein-after directed (as the Case may be), and after Ten Days Notice thereof given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of the Lands, Houses, Buildings, or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the said Road in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose in manner aforesaid, and shall to all Intents and Purposes become and be deemed a public and common Highway, and shall from thenceforth for ever be deemed as Part of the said Road by this Act directed to be made, amended, and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Houses, Buildings, and Hereditaments; and from and after such Parts of the said Road hereby intended to be made a new Road shall be formed and completed, then the Land comprised in or constituting the old or former Road, having been a public Road, (unless leading over some Inclosure, Common, or Waste, or to some Town or Place to which such new Road shall not lead) shall be vested in and shall and may be sold and conveyed by the said Trustees, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied for the Purposes of this Act; and all Deeds of Exchange or Conveyances executed

Former Roads to be sold.

by

by the said Trustees, and enrolled with the Clerk of the Peace for the County, Borough, Riding, or Place wherein such Lands or Grounds respectively shall lie, shall be good, valid, and effectual in the Law to all Intents and Purposes.

LXX. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Houses, Buildings, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall execute or procure to be executed, if required, and when tendered to him, her, or them for that Purpose, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees, or to such Person or Persons as they shall appoint, of the said Lands, Houses, Buildings, or Hereditaments for which such Sum or Sums of Money, was or were so awarded or adjudged to be paid, and shall do all Acts, Matters and Things necessary or requisite to make a good, clear and perfect Title thereto; and such Conveyances, Surrenders, Assignments and Assurances shall contain such usual and reasonable Covenants as shall on behalf of the Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, and adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, or make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum or Sums of Money so agreed, awarded or adjudged to be paid as aforesaid, shall be paid into the Bank of *England*, in manner herein-before mentioned; and when and as soon as the same shall be so paid into the Bank, all Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever in Law and Equity, of all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Lands, Houses, Buildings, or Hereditaments, or any Part thereof, shall vest in the said Trustees, and they the said Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, as fully and effectually to all Intents and Purposes as if all and every Person and Persons having any Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand, of, in, to, from and out of the same Lands, Houses, Buildings, or Hereditaments, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, and Recovery, or any other Conveyance whatsoever.

Upon Payment of Purchase Money Conveyances to be executed.

LXXI. And whereas by reason of the diverting, altering, or turning the Road herein-before mentioned and described agreeably to the Power herein-before given for that Purpose, or by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seized of some Piece or Pieces of Ground over and above what may be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Ground or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

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

[Local.]

24 F

LXXII. Pro-

Persons
whose Lands
adjoin to
have the Pre-
ference.

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

How Ex-
pences of the
Jury shall be
paid.

LXXIII. And be it further enacted, That in case any Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in Lands, Grounds, Houses, Buildings, or Hereditaments, or of any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the Jury as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference shall be borne and paid by the said Trustees out of the Money to arise by this Act; but if such Jury shall give in and deliver a

Verdict

Verdict or Assessment for no more or for 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 and Satisfaction for any such Right, Interest, or Property in any Lands, Grounds, Houses, Buildings, or Hereditaments, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be paid and borne 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, Borough, Riding, or Place wherein such Lands, Grounds, Houses, Buildings, or Hereditaments shall lie, not interested in the Matter in question (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, in and by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matter aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees out of the Monies to arise by virtue of this Act.

LXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Houses, Buildings, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, or Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Houses, Buildings, or Hereditaments, or affecting other Lands, Houses, Buildings, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to or for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same

Application
of Compen-
sation Money,
if amounting
to 200l.

Manner

Manner as the Lands, Houses, Buildings, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or 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 Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation Money
when less
than 200l.
and exceeding
20l.

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

Application
of Compensation Money
when less
than 20l.

LXXVI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned shall not amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXXVII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid as aforesaid, for any Lands, Houses, Buildings, or Hereditaments to be purchased by virtue of this Act; shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Three or more of them, or shall refuse to execute such Conveyance or Conveyances if or when required; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Houses, Buildings, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Houses, Buildings, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the same 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Directions in Cases of not making out Titles.

In what Manner the Titles to be made.

LXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Monies 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, Houses, Buildings, or Hereditaments, or of any Estate, Right or Interest in any Lands, Houses, Buildings, or Hereditaments to be purchased in pursuance of this Act, 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, Houses, Buildings, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Houses, Buildings, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person

Respecting disputed Title.

or Persons was or were lawfully entitled to such Lands, Houses, Buildings, or Hereditaments, or to some Estate or Interest therein.

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

LXXIX. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Houses, Buildings, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons liable to repair the Roads, or maintain Bridges, &c. to continue so.

Lord Mexborough to repair Roads, &c. proportionably with other Owners, &c.

LXXX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons by Law liable to the amending, maintaining or repairing any Part or Parts of the said Road, or any Bridge or Bridges, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act: Provided nevertheless, that the Earl of *Mexborough* be not from the Time of passing this Act, or during the Continuance and Term thereof, liable or bound to amend, maintain or repair that Part of the said Turnpike Road which will pass through the Township of *Methley*, or the Bridge or Bridges, or any Causeway, Drain, Arch, or Sewer thereon or therein, otherwise than rateably and proportionably with the other Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and Hereditaments within the said Township of *Methley*; any Law, Contract, Agreement, or Usage, to the contrary thereof in any wise notwithstanding.

Ascent to Bridges limited.

LXXXI. And be it further enacted, That the Ascent to every such Bridge which the said Road may pass over shall not be more than One Foot in Thirteen, and a good and sufficient Fence shall be made on every Side thereof, of not less than Four Feet above the Surface of such Bridge.

Power for Lord Stourton, his Lessees, &c. to make and lay Rail Roads, &c.

LXXXII. And be it further enacted, That it shall and may be lawful to and for the said Lord *Stourton*, his Heirs and Assigns, and the Person or Persons who shall for the Time being be the Owner or Owners of or entitled to his said Estates, Coal Mines, and Hereditaments at or upon *Rothwell Haigh* aforesaid, and his, their, and each and every Lessee or Lessees, Tenant or Tenants, and for each and every of them, from Time to Time and at all or any Time or Times hereafter, to make, continue, and lay all such Coal Roads, Rail Roads, Ways and Passages from his or their Collieries, Coal Mines, or Coal Works, either now opened and working, or hereafter to be opened or wrought, within the Parish of *Rothwell* aforesaid to the River *Aire*, or to any other Place or Places whatsoever, under or across the Line of the said intended Road or any Part thereof, as he, they,

they, or any of them shall think necessary and expedient, for the leading, carrying or conveying his or their Coals and other Produce of the said Coal Mines to the said River *Aire*, or to such other Place or Places as aforesaid; and from Time to Time and at all Times for him and them, and his and their Agents, Servants, Workmen, Colliers, and Labourers freely to pass and repass over and along such Coal Roads, or Rail Roads, Ways and Passages, when fenced off from the said Road, or arched over as herein-after mentioned, with Horses, Cattle, Waggons, Wains, Carts or other Carriages, or without, and to lead, carry, and convey such Coals and other Produce of the said Coal Mines over and along such Coal Roads, Rail Roads, Ways and Passages, by and with Waggons, Wains, Carts or other Carriages, and with Horses, Cattle, Ropes, Engines, Machinery, or otherwise, as he, they, or any of them shall think proper.

LXXXIII. And to the end, and in order as well to prevent any Obstruction or Impediment, either to the said Lord *Stourton*, or the Person or Persons for the Time being entitled as aforesaid, or to his or their Lessee or Lessees, Tenant or Tenants, from leading, carrying or conveying such Coals and Produce of Coal Mines over, under, across, or along the said intended Road, or any Part thereof as aforesaid, and also to prevent any Obstruction, Impediment, Interruption or Delay, to any Person or Persons, Passenger or Passengers, Horses, Cattle, Beasts, Coaches, Chaises, Waggons, Carts, Wains or other Carriages, having Occasion to go, travel, or pass or repass over or along the said intended Road or any Part thereof, so as that the said intended Road may not in anywise be obstructed or prejudiced, for or by reason or on account of such Coals or Produce of Coal Mines being carried, taken, or conveyed under, across, or along the Line of the said intended Road as aforesaid, or any Part thereof; be it also enacted, That it shall and may be lawful to and for the said Trustees and they are hereby authorized and required to build, erect, and make, and from Time to Time amend and keep in sufficient Repair, by and out of the Monies to be raised by virtue of this Act, all such Bridges, Arches, and other Erections upon the said intended Turnpike Road over such Coal Roads, Rail Roads, Ways and Passages for carrying or conveying Coals as aforesaid, as shall from Time to Time be requisite and necessary for preventing any such Obstruction, Hindrance, and Impediment; and to erect and make sufficient Walls, or other Fences upon each End of every such Bridge or Arch, to prevent the conveying of such Coals being an Annoyance or Nuisance to Persons passing or repassing along the said intended Road; and that neither the said Lord *Stourton*, his Heirs or Assigns, or the Person or Persons who shall for the Time being be entitled as aforesaid, nor his or their Lessee or Lessees, Tenant or Tenants, nor the present or future Inhabitants, Owners or Occupiers of Lands, Tenements, or Hereditaments, within the said Township or District of *Rothwell Haigh*, shall at any Time or Times, or in any Case, be subject or liable to pay or be charged or chargeable with the Costs, Charges, or Expences of erecting, building, or making such Bridges, Arches, or other Erections, Walls or Fences, or of repairing, amending, or keeping in repair the same or any of them, but they and each and every of them shall be and are hereby indemnified from and against all such Costs, Charges, Damages, and Expences incident thereto; provided nevertheless, that the said Trustees shall not be required to make such Arches or other Erections over or connected with the said Rail Roads oftener than Once in Five Years; and provided also, that in case such Rail Roads shall intersect the said intended Turnpike Road on the Side of any

Trustees to
erect Bridges
or Arches
over the
Coal Roads.

any Hill or Ascent, such Rail Road or Roads shall be sunk so far below the Surface of the said intended Road as that the Arch or Arches over the same may not materially interfere with the Course or Level of such Turnpike Road.

For securing
transient
Offenders.

LXXXIV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors or other Officers appointed to put this Act into Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Borough, Riding, or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

Statute La-
bour and
Composition
Money how
to be per-
formed and
apportioned.

LXXXV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work on the said Road, or any Part thereof, shall still remain liable thereto, in like manner as heretofore, (save and except as is herein-before provided, in regard to the amending, maintaining, and repairing by the Earl of *Mexborough* of that Part of the said Road which will pass through the Township of *Methley*, and the Bridge or Bridges, and any Causeway, Drain, Arch, or Sewer thereon or therein); and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the County, Borough, Riding, or Place where the said Road is situate, and they are hereby required and empowered, (upon Application made to them by the said Trustees, or by the Treasurer, Clerk, or Surveyor, or by their Order,) Yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road or any Part thereof lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work as aforesaid shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compensation for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the
same

same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Compensation for such Statute Work as aforesaid, to pay such Proportion thereof as the said Justice shall think proper, to the Surveyor or Surveyors of such respective Place or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; 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 who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his 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 and liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; 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 Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be done by all or any of the said Inhabitants and Occupiers on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *October* in each and

Trustees to
compound for
Statute Work.

[Local.]

24 H

every

every Year, or, otherwise the Inhabitants and the Occupiers of such Parish or Township, or Place, shall not be permitted to compound for that Year.

Trustees may contract for Repairs and other Work.

LXXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint from Time to Time, to contract and agree; for any Term not exceeding Three Years, with any Person or Persons for making, altering, widening, diverting or repairing the said Road, or any Part thereof, or for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Recovery and Application of Penalties.

LXXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall upon Proof of the Offence respectively before any One Justice of the Peace for the County, Borough, Riding, or Place where such Offence shall be committed, or wherein the Offender shall be and reside, either by the 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 under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Forfeiture, Penalties, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when so paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One-half Part thereof to the Informer, and the other One-half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; but if the Surveyor shall be the Informer, then the whole of such Penalties, Forfeitures, and Fines shall be paid to the said Treasurer or Clerk, and be applied to the Purposes of this Act; and in case such sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful

giving or causing to be given Fourteen 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 to the said Trustees, and within Four Days after such Notice, entering into Recognizance before some Justice of the Peace for such County, Borough, Riding, or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order to be made thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the County, Borough, Riding, or Place in which the Cause of Appeal shall arise; and the Justices at such First or Second 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 award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of and for the County, Borough, Riding, or Place in which such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months or until Payment of such Costs.

Limitation of
Actions.

XCII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be laid or brought in the County wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Borough, Riding or Place than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Costs.

XCIII. Pro-

XCIII. Provided always, and be it further enacted, That all Mines of Lead Ore, Mines, Beds, Veins or Seams of Coal, Ironstone, Marble, Chirl, and other Minerals and Fossils whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Road by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate or Collegiate, who would have been seized of or entitled to the same, in case this Act had not been made, with Liberty for him, her, or them, or his, her, or their respective Agents or Servants, to dig for, mine and work the same in such Manner as is usual for carrying on Works of that Kind, in the District or Place where such Mines, Coal, or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the Working thereof, no Damage shall be done to the said Road, or any Obstruction given to the Use thereof, or any Part thereof.

Reservation of Mines and Minerals under the new Road, to persons previously entitled thereto.

XCIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to injure, defeat, or affect the Right of the Commissioners appointed by an Act made and passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for paving and otherwise improving the Streets and other public Passages within the Town of Pontefract, in the County of York, and for better supplying the said Town with Water; and for altering and amending an Act passed in the Twentieth Year of His present Majesty, intituled 'An Act for dividing the Park of Pontefract, in the County of York, and for other Purposes therein mentioned,'* to an ancient Toll, called *Gate Law Toll*, for the Passage of Carriages laden and passing in, upon, or through the Borough of *Pontefract* aforesaid.

Saving Right of Pontefract Commissioners to an ancient Toll.

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

Public Act.

XCVI. And be it further enacted, That this Act shall commence from and after the passing thereof, and shall continue and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

SCHEDULE referred to in this ACT.

A Messuage, the Property of *Henry Shaw*, occupied by *Mrs. Dawson*, situate in the New Market, and at the Corner of a Street, called *Ropergate*, in *Pontefract*.

Part of a Messuage, adjoining thereto on the North, occupied by *Timothy Hunter*.

Part of a Messuage, belonging to and occupied by *John Reynolds*, and situate in the Township of *Tanshelf*; which said Township of *Tanshelf* adjoins upon the Township of *Pontefract* aforesaid.

Part of Two Cottages, belonging to *William Purslove*, Gentleman, now or late occupied by *William Whitehead* and *Thomas Wilson*, and situate in *Tanshelf* aforesaid.

Part of another Cottage belonging to *Aaron Thompson*, occupied by *Richard Adams*, and situate in *Tanshelf* aforesaid.

Part of a Tan Yard or Fold, the Property of *John Walker*, situate in *Tanshelf* aforesaid.

Two Cottages, the Property of the Devisees of the late *Thomas Moxon*, situate in *Tanshelf* aforesaid, and now occupied by *John Smith* and *Widow Lund*.

An Almshouse known by the Name of *Thwaites Hospital*, and now in the Occupation of *Sarah Jackson*, situate in *Tanshelf* aforesaid.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1819.