



ANNO QUARTO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. xlviii.

An Act for more effectually repairing, widening, and improving the Roads from the West End of *Toller Lane* near *Bradford* through *Haworth* to *Blue Bell* near *Colne*, and from the *Two Laws* to *Kighley*, in the Counties of *York* and *Lancaster*.  
 [23d May 1823.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of King *George* the Second, intituled *An Act for amending and widening the Roads from the West End of Toller Lane near Bradford through Haworth in the County of York, to a Place called Blue Bell near Colne in the County of Lancaster, and from a Place called the Two Laws to Kighley in the said County of York*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and amending an Act made in the Twenty-eighth Year of the Reign of His late Majesty (King George the Second), for amending and widening the Roads from the West End of Toller Lane near Bradford through Haworth in the County of York, to a Place called Blue Bell near Colne in the County of Lancaster, and from a Place called the Two Laws to Kighley in the said County of York*: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed*  
 [Local.] 28 G. 2. c. 50.  
21 G. 3. c. 96.  
43 G. 3. c. 50.  
 in

*in the Twenty-eighth Year of the Reign of King George the Second, and the Twenty-first Year of His late Majesty, for amending the Roads from the West End of Toller Lane near Bradford through Haworth in the County of York, to a Place called the Blue Bell near Colne in the County of Lancaster, and from a Place called the Two Laws to Kighley in the said County of York: And whereas the Trustees for executing the said recited Acts have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due, and cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term and Powers of the said Acts are enlarged and the Tolls increased: And whereas the said Roads are in many Parts narrow and in bad Repair, and the present Course thereof is in many Parts very steep and mountainous, and dangerous to Travellers; and the same might be diverted, altered, widened, and otherwise improved, so as to render the same more safe and convenient to the Public; and it would be more convenient if the said former Acts were repealed, and new Powers and Provisions enacted in lieu thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 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 from and after the Fourth *Wednesday* next after the passing of this Act, the said several recited Acts passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and in the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby severally repealed; and that from thenceforth this Act shall be put in Execution for repairing, widening, and improving the Roads from the West End of *Toller Lane* near *Bradford* through *Haworth* in the County of *York*, to the said Place called *Blue Bell* near *Colne* in the County of *Lancaster*, and from the said Place called the *Two Laws* to *Kighley* in the said County of *York*, and shall continue in force for and during the Term herein-after mentioned.*

3 G. 4. c. 126.

Former Acts repealed.

Provisions of 3 G. 4. to extend to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of His present Majesty, and all and every the Powers, Provisions, Exemptions, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

This Act made subject to the Payment of all Monies borrowed on the Credit of former Acts.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted; shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or Security of the Tolls authorized to be taken by the said recited Acts hereby repealed, or any of them, or which shall or may hereafter be borrowed or become due on the Credit of this Act, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act;

Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed, or any of them, shall be liable to pay the same to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity for the Purposes of this Act; and all Orders, Proceedings, Contracts, and Agreements heretofore made or entered into by the said Trustees for executing the said Acts hereby repealed, or any of them, shall remain in full Force and Effect.

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said Three first recited Acts, provided according to the Directions or Provisions thereof, and thereby made Evidence, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes touching any thing done by virtue of or in pursuance of the said last recited Act or this Act, or in anywise relating thereto.

Books of  
Proceedings  
under former  
Acts made  
Evidence.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of York and Lancaster respectively, *William Atkinson of Barcroft, John Atkinson, Joshua Anderson of Harden, Thomas Binns of Croft House, Tom Binns, John Binns, David Binns, Benjamin Blackborough, Thomas Blackborough, John Blakey, William Blakey, John Blakey junior, John Booth of Allerton, John Briggs of Guard House, William Busfeild, Currer Fothergil Busfeild, William Busfeild junior, Walker Busfeild, John Bairstow, Isaac Butterfield, Richard Butterfield, William Blake, Thomas Beaumont, the Right Honourable George Augustus Henry Cavendish commonly called Lord George Augustus Henry Cavendish, the Honourable William Cavendish, Lodge Calvert, William Clayton, William Clayton junior, Thomas Clayton of Carhall, John Carr, Charles Carr, William Carr, Thomas Carr, Holmes Clapham of Utley, John Clapham, Holmes Clapham junior, Henry Clapham, Samuel Blakey Clapham of Scrow Mill, John Craven of Walk Mill, John Craven junior, Thomas Corlass, William Corlass, Thomas Corlass junior, Innkeeper, Hiram Craven, John Craven his Son, Joshua Cowling, Robert Dawson, Charles Knowlton Dawson, the Reverend Theodore Dury, Lister Ellis, William Ellis of Castlefield, William Ellis junior, John Ellis, William Emmet of Paper Mills, Ingrow Edward Emmet, Henry Emmet, Nelson Emmet, Richard Fawcott, Henry Flesher, Abraham Flesher, Richard Fouldes of Whycoller, Joshua Field, Wilmer Field, James B—— Garforth of Conistone, Thomas Garforth, John Baynes Garforth, John Greenwood of Knoll House, Frederick Greenwood, Edwin Greenwood, James Greenwood of Brighouse, John Greenwood, James Greenwood junior, William Greenwood of Oxenhope, Joseph Greenwood of Springhead, William Greenwood of Moorhouse, George Greenwood, John Greenwood of Morton, William Greenwood of Woodhouse Ilkley, George Oates Greenwood, Richard Hodgson of Wheatley, Richard Hodgson of Greenhill, Robert Heaton of Ponden, Michael Heaton of Royd House, John Hartley of Carry Bridge, John Hartley of White Lee, John Hartley of Haworth, Thomas Horsfall, John Horsfall, John Garnett Horsfall, William Haggas, John Hustler, William Hustler, Charles Harris, the Reverend Richard Hartley D. D., David Illingworth, Benjamin Kaye of Allerton, John Knowles of Hall House, William Kershaw, Thomas Leach,*

Trustees.

*Leach, John Lockwood, Benjamin Flesher Mariner, William Mariner, Abraham Moor, John Mitchell of Eastwood-square, William Newsholme of Newhouse, William Newsholme junior, William Netherwood, Christopher Netherwood junior, Edward Parker, William Paget of Utley, Thomas Paget, William Paget junior of Utley, Francis Paget, the Reverend John Perring, Thomas Pearson of Steeton, Thomas Pearson junior, William Pickles of Nords, William Pickles junior, Bernard Pickles, Michael Pighills of Brewtop Haworth, Thomas Rishworth of Thwaites, Thomas Rishworth of Morton, John Rishworth, John Ramsden, William Rushworth of Mould Greave, Samuel Sharp, James Sharp, Abraham Shackleton, Abraham Shackleton junior, William Shackleton, John Shackleton, William Sidgwick, Christopher Sidgwick, John Sidgwick, Joseph Smith, Wilsdon, Thomas Smith, Mercer; Thomas Smith junior, Binns Smith, Thomas Stoney, Berry Smith, William Sugden of Eastwood House, William Sugden junior, John Sugden, John Sugden of Bracken Bank, Thomas Sugden of Haworth, William Sutcliffe of Stubbing, William Spencer of Malsis Hall, Stephen Taylor of Stanbury, John Town of Keighly, John Town junior, George Townend of Nook, William Townend, Thompson of Manningham Lodge, Thomas Thornber, George Tweedy, Teal of Laycock, Richard Bradley Wainman, Lieutenant Colonel William Wainman, John Walker of Ingow, William Wright of Oldfield, Henry Wright of Lower Laith, Joseph Wright, Lupton Wright, James Wilson of Colne, James Wilson of Hanwyd, Richard Thomas Roe Walton, Ambrose Walton, Stansfield Wilkinson, John Williamson, and Jonathan Whitaker of Gate Haworth, and their Successors, together with such other Persons, not exceeding the Number of Five, as the said Trustees shall at their first or any subsequent Meeting nominate in that Behalf, shall be and they are hereby appointed the Trustees for widening, diverting, amending, improving, and keeping in Repair the said Roads, and for putting this Act into Execution.*

First Meeting  
of Trustees.

VI. And be it further enacted, That the said Trustees shall meet at the House of Mr. *Samuel Morgan*, known by the Sign of the *Devonshire Arms*, or at some other convenient Place in *Keighley* aforesaid, on the Day of the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two in the Afternoon, and shall then and there proceed to the Execution of this Act, and adjourn themselves afterwards to meet there or at any other Place or Places as to them shall seem convenient, and at such Time or Times as the said Trustees shall appoint.

Oath of  
Trustees.

VII. And be it further enacted, That no Person hereby appointed, or who shall hereafter be chosen or appointed a Trustee, shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, until he shall have taken and subscribed the Oath (or being One of the People called *Quakers*, the Affirmation) following, before any One or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say),

‘ I do swear; [or, being One of the People called  
‘ *Quakers*, do solemnly affirm], That I will truly, faithfully, and  
‘ impartially act in the Execution of the Trusts and Powers reposed in  
‘ me by virtue of an Act of Parliament passed in the Fourth Year of  
‘ the Reign of His Majesty King George the Fourth, intituled [here insert  
‘ the Title of this Act]. So help me GOD.’

[Or, being a *Quaker*, omit the Words ‘ So help me God.’]

And

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Act or Proceeding touching the Execution of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, which shall have been done or performed by any such Person who shall have omitted or neglected to take and subscribe the Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual, as if such Person had taken and subscribed such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

VIII. And be it further enacted, That every Clerk, Collector of the Tolls, and other Officer and Officers (other than the Treasurer) nominated and appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy their several and respective Offices and Employments, until he, she, or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he, she, or they had been nominated or appointed under or by virtue of this Act.

Old Officers to continue until new ones appointed.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Prohibiting the same Person from acting as Clerk and Treasurer.

[Local.]

II Z.

X. And

Trustees  
may appoint  
Officers.

X. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Notice in Writing, signed by Three or more of the said Trustees, shall be affixed on all the Turnpike Gates then erected upon the said Roads, Twenty-one Days at least before such Meeting, by Writing under their Hands, to elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and also a Surveyor or Surveyors, and all such other Officers as the said Trustees shall think necessary; and also may remove from Time to Time all or any such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, as the said Trustees shall see occasion; and upon the Death, Resignation, or Removal of such Officers, or any of them, the said Trustees may appoint others in their stead; and out of the Money arising by virtue of this Act, the said Trustees shall make such Allowances to their respective Officers, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees shall seem reasonable and proper.

Power to  
erect Turn-  
pikes, &c.

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Roads, or on the Sides thereof; and to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads, or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same, or any Part thereof, such and so many Toll Gates, Turnpikes, Sidebars, Chains, and Weighing Machines, with Toll Houses, Outbuildings, Lamps, and other Conveniences thereto; and to inclose on the Sides of the said Roads suitable Garden Spots for such respective Toll Houses (not exceeding One-eighth Part of a Statute Acre to each Toll House), as the said Trustees shall think necessary; and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as the said Trustees shall think proper and direct or appoint.

Power to sell  
the present  
Toll Houses.

XII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, where they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold or enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for

for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground, or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

XIII. And be it further enacted, That from and after the Fourth *Wednesday* next after the passing of this Act, it shall be lawful for the said Trustees, or any Person or Persons by their Authority, to demand, collect and take, at each and every Turnpike, Toll Gate, or Toll Bar continued or erected by virtue of this Act in, upon, across, or on the Side of the said Roads, or upon or across any Lane or Road leading into the same, the several Tolls and Duties herein-after mentioned, before any Horse, Beast, Cattle or Carriage, upon which Toll is imposed; shall be permitted to pass through the same; (that is to say),

Trustees may take Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Phaeton, Barouche, Curricule, Calash, Sociable, Chaise, Marine, Vis-a-vis, Caravan, Hearse, Litter or Break, a Sum not exceeding Eight-pence, and drawing any Chair, Whiskey, Gig, Taxed Cart, or other such Carriage on Springs for the Conveyance of Passengers, a Sum not exceeding One Shilling:

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, a Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches, a Sum not exceeding Ten-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Three Inches and less than Four and a Half Inches, a Sum not exceeding One Shilling:

For every Horse or other Beast, laden or unladen, and not drawing, nor going for or returning with Coals, Cinders, or Cokes, a Sum not exceeding Four-pence:

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

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence a Score, and so in proportion for any greater or less Number:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, laden with or going empty for Coals, Cinders, or Cokes, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, a Sum not exceeding Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, laden with or going empty for Coals, Cinders, or Cokes, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches, a Sum not exceeding Five-pence:

For

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, laden or going empty for Coals, Cinders or Cokes, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Three Inches, and less than Four Inches and a Half, a Sum not exceeding Sixpence:

For every Horse, Mule, or Ass, going unladen for or returning laden with Coals, Cinders, or Cokes, and not drawing, a Sum not exceeding One Penny Halfpenny.

Tolls vested  
in Trustees.

XIV. And be it further enacted, That the respective Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise or be produced therefrom, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the Trustees of this Act for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as hereinafter mentioned.

Second Toll  
to be paid  
after passing  
and repassing  
Three Times.

XV. And be it further enacted, That for every Horse, Beast, Cattle, or Carriage which shall have passed and repassed during any Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through any Turnpike, Toll Gate, or Toll Bar across or on the Sides of the said Roads Three Times, and shall again pass through such Turnpike, Toll Gate, or Toll Bar on the same Day, a Second Toll shall be paid for such subsequent Passage, and so from Time to Time, after again passing and repassing Three Times, as often as the Case shall happen.

Number of  
Tolls limited.

XVI. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing any Number of Times not exceeding Three Times the same Day, to be computed as aforesaid, with the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act.

Table of  
Tolls to be  
put up.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued, at every Toll Gate erected or continued by virtue of this Act, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls and the different Sorts of Carriages for which they are to be paid where there shall be any Variation therein, and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

XVIII. Pro-



XVIII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for, and in respect, of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Cattle drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads upon every Time of a new Hiring of such Post Chaise or other Carriage, on a Ticket being produced denoting a fresh Hiring.

Stage  
Coaches and  
Post Chaises  
to pay every  
Time of  
passing.

XIX. And be it further enacted, That all Monies which shall arise and be received from the Tolls and otherwise by virtue of this Act, and not herein otherwise appropriated, shall be applied to the several Purposes and in the Order and Manner following; that is to say, in the first Place, in paying the Expences of preparing and passing this Act, and incident thereto; in the second Place, in paying the Interest accruing upon the several principal Sums which have been lent or advanced, and now remain due, or which at any Time hereafter shall be lent or advanced upon any Mortgage or Security made in pursuance of the said former Acts hereby repealed, or any of them, or this Act, equally and without any Preference or Priority amongst each other; thirdly, in contributing towards the Expences of repairing, maintaining, and keeping in good Repair the said Roads, and in paying the Salaries of Officers, and other annual or current Expences in carrying this Act into Execution; fourthly, in erecting Turnpikes and Toll Houses; and in widening, altering, and diverting the said Roads respectively, as the said Trustees shall from Time to Time see expedient; fifthly, in reducing, paying off, and discharging all Arrears of Interest due prior to the passing of this Act upon the several principal Sums which have been lent and advanced upon such Mortgages or Securities as aforesaid, equally and without any Preference or Priority amongst each other; and lastly, in reducing, paying off, and discharging such several principal Sums as have been lent or advanced upon such Mortgages or Securities as aforesaid, in pursuance of the said former Acts hereby repealed, or any of them, equally and without any Preference or Priority amongst each other.

Application  
of the  
Monies.

XX. And be it further enacted, That no Toll shall be taken at any Toll Bar or Turnpike Gate erected or to be erected on any Part of the said Roads, for any Horses or Carriages laden solely with Turf, Peat, Flaws, or Ling Sods and Ling, got and brought from any of the Moors or Peat Mosses over which the said Roads pass, to be used for Fuel for Fire.

Peat or Turf  
and Flaws to  
be exempt  
from Toll.

XXI. Provided and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, in repairing, widening, and improving the said Roads, or any of them, to take or pull down any Dwelling House or other Building, or to take or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees re-  
strained from  
pulling down  
Houses.

[Local.]

12. A.

XXII. And

Statute  
Labour.

XXII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Roads, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said Counties of *York* and *Lancaster*, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Roads, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Roads do or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in a List before the said 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, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise; and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of such List the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively, to pay over to the said Trustees or their Treasurer such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; 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 by any Surveyor to the Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in Force or Effect for Repairs 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 any Part of the said Roads, shall be found idle or negligent.

negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle and negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in any such List as aforesaid, or shall knowingly or wilfully give in false and 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 Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the Counties of *York* and *Lancaster*, within their respective Jurisdictions, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Ville, Hamlet, Place, Body Politic, Corporation Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they or any of them respectively have been accustomed, or of Right ought to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any ancient Usage, Custom, Law, or otherwise; but that all and every such Bridge, Road, Causeway, Arch, Drain, or Sewer, from Time to Time and at all Times hereafter, shall be maintained, amended, and kept in Repair by such County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Ville, Hamlet, Place, Body Politic, Corporation Aggregate or Sole, or private Person or Persons, as heretofore the same respectively have been, or ought of Right, or by any ancient Usage, Custom, Law, or otherwise, to have been amended, maintained, and kept in Repair; anything herein contained or referred to, to the contrary notwithstanding.

Persons liable to Repair of any Road, Bridge, &c. by reason of Tenure, to remain liable to make good such Repairs.

XXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in such Trustees or their Treasurer.

Case

Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being; under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Sums, Costs, Charges, and Expences as he shall pay or be put unto by virtue of any such Order as aforesaid.

Trustees,  
Officers, and  
other Persons  
competent  
Witnesses.

XXV. And be it further enacted, That in all civil or criminal Proceedings whatsoever relating to the said Roads, no Person by reason of being a Trustee, Creditor, or Mortgagee, Farmer, Lessee, or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees, or any Inhabitant of any Township, Parish, Hamlet, Village, Ville, or Place through which the said Roads do or shall pass, shall by reason or on account of any of the Matters aforesaid be incompetent to give Testimony or Evidence in any such Proceedings.

Expences of  
the Act.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest for any Money which shall be advanced on that Account, shall be paid and discharged by the Trustees for putting this Act into Execution, out of any Money which hath arisen by virtue of the said recited Acts, or out of the first Monies which shall arise by virtue of this Act.

Public Act.

XXVII. 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.

Term and  
Continuance  
of this Act.

XXVIII. And be it further enacted, That this Act shall commence on the Fourth *Wednesday* next after the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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