



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. lxxx.

An Act for more effectually repairing and improving the Road from *Bradford* to *Wakefield*, in the West Riding in the County of *York*. [14th June 1819.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of King George the Second, intituled *An Act for repairing and widening the Road from Kighley to Wakefield and Halifax, and from Dudley Hill to Killinghall and the South-west Corner of Harrowgate Inclosures; and more effectually to repair the Roads from Leeds to Halifax and Bowling Lane and Little Horton Lane; and for building a Bridge over the River Wharf at Pool, in the West Riding of the County of York:* 26 G. 2. c. 83.
And whereas another Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of so much of an Act, made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, for repairing certain Roads therein mentioned, as relates to the Roads from Kighley to Wakefield and from Kighley to Halifax, and from Dudley Hill through Beckwithshaw to Killinghall, and from Beckwithshaw to the South-west Corner of Harrowgate Inclosures, in the West Riding of the County of York:* 17 G. 3. c. 73.
And whereas another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for continuing, for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging and altering the Powers of Two Acts, the one passed in the Twenty-sixth Year of the Reign of King George the Second, and the other in the* 38 G. 3. c. 41.
[Local.] 23 K Seventeenth

Seventeenth Year of His present Majesty's Reign, so far as the same relate to the Road from Bradford through Adwalton to Wakefield, in the County of York: And whereas a considerable Sum of Money hath been borrowed on the Credit of the Tolls authorized to be collected upon the said Road from Bradford through Adwalton to Wakefield, which still remains due and owing, and cannot be repaid, nor the said Road effectually widened, improved and kept in repair, unless the Term granted by the said recited Acts be continuéd, and the Powers and Provisions therein contained, so far as the same relate to the said Road from Bradford through Adwalton to Wakefield, be enlarged, and the present Tolls increased: And it would be more convenient to the Trustees, and beneficial to the said Road, if such Powers and Provisions were to be consolidated and comprised in one Act 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 the said recited Acts of the Twenty-sixth Year of the Reign of King George the Second, and of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, so far as the same or any of them respectively relate to the said Road from Bradford through Adwalton to Wakefield, by this Act intended to be repaired, amended and kept in repair, shall be and the same are hereby declared to be repealed: And that this Act shall commence and take effect upon the Second Day of October next, and the Term and Powers hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing, or which shall hereafter be borrowed upon the Credit of the said recited Acts or 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 and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

Appointment of Trustees.

II. And be it further enacted, That from and after the passing of this Act *Joseph Armitage, George Addinell, Thomas Atkinson, George Allott, Robert Allott, Nettleton Balmé, Reverend John Bayley, John Buttery, Nicholas Browne, John Bayley Clerk, John Bilbrough, James Bilbrough, William Barff, John Bradley, John Blesard, John Boyle, John Brogden, Samuel Broudley, John Blakey, Greenwood Bentley, William Thomas Burton, John Buttery, Henry Bailey, Thomas Blakely, John Francis Carr, David Colvard, John Carr, Charles Carr, Richard Crosley, John Chapman, Isaac Crowther, Thomas Crosley, James Cousen, Joseph Croft, William Chapman, Matthew Casson, Christopher Holdsworth Dawson, Henry Dawson, Jeremiah Dixon Clerk, Francis Duffield, William Dixon Clerk, John Dixon, Emanuel Emmett, James Lane Fox, George Lane Fox, John Folgambe, Augustus Lane Fox, Thomas Folgambe, Walter Sachaverille Fox, Richard Farwett, Thomas Lane Fox, Joshua Field, John Wilmer Field, John Farrer, William Fenton, Benjamin Gaskell, Daniel Gaskell, Richard Grice, Benjamin Gomersall, Joseph Goddard, Benjamin Gilpin, Benjamin Heywood, John Hardy (Wakefield), William Hammerton Clerk, William Hudson, Peter Heywood, John Hardy (Leeds), John Hustler, John Hustler junior, Samuel Hailstone, Joseph Hollings, Thomas Hollings, Charles Harris, Richard Holmes, Henry Harris, Henry Heap Clerk, John Hirst, John Hatfield, Joseph Hargreaves, Benjamin Kaye, John Knight, Benjamin Knight, Joshua Kay, John Lee, Thomas Lee, Tottenham Lee, Henry Lumb, Henry Lonsdale Clerk, Wil-*

liam Leatham, John Lambert (Baildon), John Lambert (Drighlington), Henry Leab, Henry Lumb, George Thompson Lister, Thomas Leavens, Thomas Mason, Francis Maude, James Marshall, Joshua Mann, John Mann, William Maude, John Marshall, Josiah Marshall, Joseph Martin Naylor Clerk, William Naylor, John Naylor junior, Jeremiah Todd Naylor, Henry William Oates, George Oxley, Thomas Outhwaite, John Green Paley, William Pearson, John Plumbe, Joshua Pollard, Andrew Peterson, William Pollard, William Pollard junior, John Priestly, Thomas Pullan, Thomas Lofthouse Potter, John Ridsdale, James Richardson, Thomas Rodgers Clerk, John Rand, Thomas Risbworth, James Rayner, Thomas Risbworth junior, Henry Sturges, James Sykes, Samuel Sykes (Drighlington), Samuel Sykes, (West Ardsley), Matthew Stephenson, Norrison Cavendish Satchard, Charles Steer, Samuel Sharp Clerk, Francis Simes, William Sharp, William Skelton, John Stocksdale, William Smithson, Henry Simons, Richard Sclater, George Stanfield, James Stead, Joseph Sykes, William Scarth, James Teale, Matthew Thompson, Richard Tennant, Benjamin Thompson, Samuel Troughton, John Tordoff, Joseph Thornton, William Tetley, Joseph Troughton, John Webster, Joseph Wetherall, John Wordsworth, William Wood (Tingley House), Thomas White, Richard Bradley Wainman, Shepley Watson, John Wood, John Wood junior, Matthias Whitehead, John Wood (of Tong), John Wilkes, Richard Woollen, James Wade, John Womersley, Joseph Wardell, Samuel Webster, Nathaniel Webster, and His Majesty's Justices of the Peace for the West Riding of the County of York for the Time being, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, repairing, widening, diverting, altering, improving and keeping in repair the said Road from Bradford through Adwalton to Wakefield, and for otherwise putting this Act into Execution.

III. And be it further enacted, That it shall be lawful for the Trustees hereby appointed, or their Successors, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Twenty in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That in case any of the Trustees herein-before named or to be appointed by virtue of this Act, shall die or become Bankrupt or Insolvent, or refuse, decline, remove out of the Riding, or become incapable to act, it shall and may be lawful for any Five or more of the surviving or remaining Trustees, by Writing under their Hands, (at any Meeting whereof at least Ten Days Notice shall be given upon all the Toll Gates erected or to be erected upon the said Road, specifying that any Appointment of new Trustees intended to be made at such Meeting) to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying, becoming Bankrupt or Insolvent, or refusing, declining, removing, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required) shall have the like Power and Authority to act as a Trustee

Power to
choose new
Trustees.

Trustee in the Execution of this Act as the Person in whose Stead he shall be so appointed was invested with.

Qualification
of Trustees.

V. 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 seised of or otherwise entitled in Possession to an Estate of Freehold or Copyhold Lands, Tenements or Hereditaments, in the West Riding of the County of *York*, of the clear yearly Value of One hundred Pounds above all Reprizes, or possessed of a Personal Estate of the Amount or Value of Four thousand Pounds, after Payment of all his just Debts, or unless such Person shall be Heir Apparent to a Person possessed of or otherwise entitled to an Estate in Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred and fifty Pounds in the said West Riding of the County of *York*, above all Reprizes: Provided also, that every Trustee, before he shall act as such, (except in administering the following Oath), shall take and subscribe an Oath, or Affirmation before Two or more of the said Trustees, who are hereby empowered to administer the same, in the Form or to the Effect following:

Trustees to
take Oath of
being qualifi-
ed.

Oath.

‘ I do swear, [*or, being one of the People called Quakers, do*
‘ solemnly declare and affirm], That I truly and *bonâ fide* have
‘ an Estate in Law and Equity, to and for my own Use and Benefit, con-
‘ sisting of Freehold or Copyhold Lands, Tenements or Hereditaments,
‘ lying within the West Riding of the County of *York*, of the clear
‘ Yearly Value of One hundred Pounds above all Reprizes, [*or, that I*
‘ am possessed of a Personal Estate of the Value of Four thousand Pounds,
‘ after Payment of all my just Debts] *or [in case of an Heir Apparent]*
‘ that I am Heir Apparent to _____ who to the best of my
‘ Knowledge, Information and Belief, is truly and *bonâ fide* seised of or
‘ entitled to Freehold or Copyhold Lands, Tenements or Hereditaments,
‘ lying and being in the West Riding of the County of *York*, of the clear
‘ Yearly Value of One hundred and fifty Pounds above Reprizes and
‘ Incumbrances, [*as the Case may be*]: And that I will faithfully and im-
‘ partially, according to the best of my Judgment, act in the Execution and
‘ Performance of the several Trusts, Powers and Authorities reposed in me
‘ as a Trustee under and by virtue of an Act, passed in the Fifty-ninth
‘ Year of the Reign of King *George* the Third, intituled *An Act for more*
‘ *effectually repairing and improving the Road from Bradford to Wakefield,*
‘ *in the West Riding of the County of York.* So help me GOD.’

No Trustee
to be capable
of acting, if
he hold a
Place of
Profit;
nor any
Vicualler,
&c.
Penalty for
acting not
being quali-
fied.

Nor shall any Person be capable of acting as a Trustee in Execution of any of the Powers by this Act granted during the Time in which he shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under this Act, nor in any Case where he shall be personally interested otherwise than as a Creditor; nor shall any Vicualler or Retailer of Ale, Beer, or Spirituous Liquors, be capable of acting as Trustee in the Execution of this Act; and if any Person, not qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or else-
where,

where, by Action of Debt or on the Case, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that all Acts which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified to act according to the Directions of this Act.

Acts of un-qualified Trustees before Conviction to be valid.

VI. Provided always, and be it further enacted, That such Trustees as are or shall be in the Commission of the Peace for the West Riding of the said County of *York*, shall and may nevertheless act as Justices for the more speedy and effectually putting in Execution the several Powers hereby granted.

Trustees being Justices may act as such.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *Sun Inn*, or some other convenient House in or near to the Town of *Bradford*, on the Twenty-first Day of *June* next, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall then and from Time to Time after adjourn, to meet at such Times and at such Place or Places upon or near the said Road by this Act directed to be amended and kept in repair, as they shall think proper; and that Five Trustees present at any Meeting shall be sufficient to adjourn the same; and if a competent Number of Trustees shall not be present at any Meeting to act or adjourn, or in case the Trustees present at any Meeting shall omit to adjourn the same, then and in every such Case the Clerk to the Trustees shall adjourn the Meeting to the Place where the last Meeting should have been held or was held (as the Case may be), and to such Time as he shall think fit, not being more than Forty-two Days, nor less than Twenty-one Days from the last Meeting or intended Meeting; and shall thereof give Notice in Writing on all the Turnpikes then erected or continued by virtue of this Act, at least Ten Days before the Time of such intended Meeting, or in some Newspaper usually circulated in the Neighbourhood of such Road; and if no Adjournment Notice or Appointment shall be made or given as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Five or more of such Trustees, to cause Notice in Writing to be affixed on all the Turnpikes then erected or continued by virtue of this Act, and also to be inserted in some Newspaper circulated in the Neighbourhood of the said Road hereby directed to be amended and kept in Repair, at least Ten Days before any Meeting is intended to be held, appointing the Trustees to meet at such Time and Place upon or near the same Road, as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Ten Days nor less than Five from the Time of affixing or inserting such Notice; and the said Trustees shall at their several Meetings pay their own Expences; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, shall be made between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, at Meetings consisting of not less than Five Trustees, to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided

Meetings of Trustees.

Adjournments.

If no Adjournment Notice to be given.

Trustees to pay their own Expences.

[Local.]

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for);

Five Trustees a Quorum; and Acts done by the major Part of them at Meetings to be valid.

No Order to be revoked, unless Thirteen Trustees present, &c.

for); and that no Order or Determination shall be valid unless a Majority of the Trustees present at such Meeting shall concur therein; and all Acts, Orders, and Proceedings of any Five or more of the said Trustees, or a Majority of such Five or more Trustees, had or done as aforesaid in the Execution of this Act, shall be as valid and effectual as if all the Trustees had been present at any such Meeting and had concurred therein; and no Order made by Five or more of such Trustees shall be revoked or altered at any Meeting, unless Thirteen Trustees shall be present, nor unless Fourteen Days Notice at the least of such intended Revocation or Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Book of Proceedings, and affixed on all the Turnpikes which shall be then erected or continued by virtue of this Act, and also inserted in some Newspaper circulated in the Neighbourhood of the said Road hereby directed to be repaired, at least Ten Days before such Meeting, nor unless a Majority of the Trustees who shall be present at the Meeting for such Revocation or Alteration, or proposed Revocation or Alteration, shall concur therein, and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to, and for the Chairman to give the decisive or casting Vote.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk, by an Order in Writing signed by Three or more Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, by Notice in Writing, or printed, affixed on all the Turnpikes then erected or continued by virtue of this Act, and in some Newspaper circulated in the Neighbourhood of the said Road hereby directed to be repaired (such Time being not less than Five Days after such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of a regular Adjournment; provided that no other Business be done at such Meeting, than such Business as shall be mentioned in the Notice for calling such Meeting.

Meetings to be held alternately at Bradford and Wakefield.

IX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby required to hold their Meetings in pursuance of the said recited Acts and this Act alternately at *Bradford* and *Wakefield*; any thing in the said recited Acts or this Act contained to the contrary notwithstanding.

Books to be kept of Proceedings of Trustees.

X. 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings shall be signed by the Trustees making the same, or any Five or more of them, or by the Chairman of the Meeting; and the said Book or Books, and also the Book or Books herein-after directed

to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of this Act, to nominate and appoint any Number of the said Trustees, not being less than Three, as a Committee or Committees, to examine into, inspect, regulate, or superintend any Matter or Business directed to be done by the said Trustees in Execution of this Act, as the said Trustees, or any Five or more of them, shall entrust to such Committee or Committees; and such Committee or Committees shall be accountable to any Meeting for what they shall do therein, but no Money shall be expended or laid out by such Committee or Committees, without the Order or Direction of such Meeting; and such Committee or Committees shall report what they have done therein from Time to Time, at the next or some other Meeting of the said Trustees, and shall meet at and adjourn from Time to Time to any Time or Place, as they shall see Occasion; and that at all such Meetings of Committees the Trustees present shall pay their own Expences; and the Report of such Committee or Committees shall be signed by them, and entered in the general Minute Book of Proceedings kept by the Clerk to the said Trustees, or in a separate Book or Books, as the said Trustees or any Five or more of them shall think fit, and be referred to from the general Minute Book; and the Orders from Time to Time made in pursuance of such Report or Reports shall refer to the Report on which the same was grounded.

Trustees may
appoint Com-
mittees.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, at their first or any of their Meetings, shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers; and on the Death or Removal of any such Officer or Officers to appoint others in their Stead; and the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, or who shall assist them or any of them in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees, or any Five or more of them, shall think reasonable; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, nor any menial Servant of any Trustee, shall be appointed to or be capable of holding any Place of Profit under this Act.

Appointment
of Officers.

XIII. And be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer other than the Treasurer appointed under and by virtue of the said recited Acts, or any of them, for or in respect of the said Road hereby intended to be repaired, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the said Trustees; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like

Officers to
continue till
new ones
elected.

Power

Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject 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 had been appointed by virtue of this Act.

Office of Clerk and Treasurer not to be held by one Person.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or 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 continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, 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 or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

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

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 produced and kept by their Clerk for the Time being; in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees 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, or shall not permit the said Trustees or such Creditors 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 Forty Shillings.

Trustees to appoint temporary Collectors.

XVI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall and may be lawful for any Five or more of the said Trustees (though not assembled at a Meeting of the Trustees appointed by virtue of this Act), to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees; which Person and Persons so nominated and appointed shall have the like Power and Authority,

Authority, and be answerable and accountable in the same Manner, in all respects, as if he or they had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances to be continued or erected or set up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given or left at such Toll House or Building for that Purpose, by any Five or more of the said Trustees (although not assembled at a Meeting), or under the Hand of their Clerk for the Time being, then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the West Riding of the County of *York*, upon Demand thereof made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, or their Hands and Seals, to order any Constable or other Peace Officer, 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 out of the same, and to put the said Trustees, or any One of them, or their new-appointed Officer into the Possession thereof.

XVII. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, when thereunto required in Manner aforesaid; or if any such Officers or Persons 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 by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anyways relating to the Execution of this Act or to the said Road hereby directed to be repaired, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by the said Trustees, or any Person or Persons on their Behalf, such Justice may and is hereby authorized and required to summon such Officer or Officers, Person or Persons to appear before him; and in case of his, her, or their not appearing upon such Summons,

Officers to
account on
Oath, and
pay over
Balances.

[Local.]

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the same having been served upon him, her, or them personally; or left at his, her, or their usual Place or Places of Abode (no reasonable Cause or Causes being shewn for such Non-appearance) to issue a Warrant or Warrants for his, her, or their Apprehension; and then it shall and may be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected and received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, 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 shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons appearing or being brought before such Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments aforesaid, or to produce and deliver up to such Justice the several Vouchers and Receipts relating to the said Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Road hereby directed to be repaired, then and in any such Case such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County, Riding, or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees or any Five or more of them, or such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Five or more of them; but no such Officer or other Person who shall be committed for Default of Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer,
&c. to give
Security.

XVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby directed and required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors appointed or continued, or to be appointed by virtue of this Act, for the due Execution of their Offices respectively.

XIX. And be it further enacted, That the Trustees for executing this Act shall and may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit (as the Case may be): Provided always, that every such Clerk shall be reimbursed, out of the Monies received or to be received by virtue of this Act, all such Costs, Charges, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant.

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

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, 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 Road, and to erect and set up, or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Road, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they 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 they the said Trustees, or any Five or more of them, shall think proper, and direct or appoint; any Clause, Matter, or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding: Provided nevertheless, that no Turnpike or Toll Gate shall be erected or set up upon or on the Side or Sides of the said Road from *Bradford* to *Wakefield*, nearer to the Town of *Wakefield* than the Distance of Half a Mile West or North Westerly from the Junction at *Newton Bar* of the present Roads which lead from *Leeds* and *Bradford* to the Town of *Wakefield* aforesaid.

Power to
erect Turn-
pikes, Toll
Gates, Side
Gates,
Weighing
Machines, &c.

XXI. And be it further enacted, That the Right and Property of, in, and to all the Turnpikes, Weighing Machines, and Toll Gates on the said Road, and of, in, and to all Toll Houses and other Houses and Buildings, and the several Conveniences and Appurtenances thereto belonging, which have been erected under and by virtue of the said recited Acts, and which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Road or any Part thereof, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees, and they or any Five or more of them are hereby empowered to sell and dispose of the same as they shall think proper,

Toll Gates,
Houses, &c.
vested in
Trustees.

proper, and to bring or cause to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such Houses or Appurtenances, or who shall break down or damage, steal, or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll Houses, and other Houses, Buildings, Conveniences, or Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb them the said Trustees, or their Agents or Servants, in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of the Trustees of the Road from *Bradford* to *Wakefield*, without naming or otherwise describing the said Trustees.

Tolls and Exemptions of former Acts to continue until a certain Day.

XXII. Provided always, and be it further enacted, That all the Tolls and Duties granted and now in force by or by virtue of the said recited Acts, to be taken on the said Road leading from *Bradford* to *Wakefield*, and all existing Exemptions therefrom, shall continue and be in force, and be received and taken by virtue of this Act, at the several Toll Gates or Toll Houses which have been erected or may hereafter be erected upon the said Road, until and upon the First Day of *October* next; and that such Tolls and Duties shall and may be collected, recovered, and applied, by the same Ways and Means, and under and subject to the same Powers, Provisions, Regulations, Penalties, and Forfeitures, and for such and the same Purposes as are herein expressed and contained with respect to the Tolls by this Act granted and authorized to be collected.

Power to take Tolls.

XXIII. And be it further enacted, That from and after the said First Day of *October* next, it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, or Side Bar or Side Gate or Chain, which are or is or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the Road by this Act directed to be amended and maintained, or any Part thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

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

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, not being laden with, or going empty for, or returning after being laden with Coal, the Sum of Sixpence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, not being laden with, or going empty for,

for, or returning empty after being laden with Coal, the Sum of Eight-pence :

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, laden with, or going empty for, or returning empty after having been laden with Coal, for each Time of passing and repassing through the said Gates or any of them, if drawn by Three or more, the Sum of Sixpence ; if drawn by Two, the Sum of Nine-pence ; and if drawn by One, the Sum of Three-pence :

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, laden with, or going empty for, or returning empty after having been laden with Coal, for each Time of passing and repassing through the said Gates or any of them, if drawn by Three or more, the Sum of Ten-pence ; if drawn by Two, the Sum of Nine-pence ; and if drawn by One, and not carrying more than Twenty hundred Weight, the Sum of Three-pence ; and if drawn by One, and carrying more than Twenty hundred Weight, the Sum of Sixpence :

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

For every Horse or other Beast of Burthen, not drawing, but going for or returning laden with Coal, the Sum of One Penny :

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

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

Which said respective Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain already erected and continued, or to be erected and continued by virtue of this Act, upon or across the said Road or any Part thereof, or upon or across any Lane or Way leading into the same ; and the said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in Manner herein-after directed.

XXIV. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, 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 all such Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought under the Provisions of this Act to be passed free for one Payment of Toll. Tickets to be printed.

XXV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Cattle, Carriage, Tolls may be distrained for.

riage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Lading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls to be
be paid but
once a Day.

XXVI. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons passing and repassing on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through any one of the said Gates or Turnpikes (except with Horses, Cattle, Beasts, or Carriages drawing or carrying Coals); and that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets denoting the Payment thereof (which said Notes or Tickets Collectors are hereby required to deliver *gratis*), shall be allowed to pass and repass on the same Day with the same Horses, Cattle, Beasts, and Carriages (except as aforesaid) Toll-free through the Turnpike or Toll Gate at which Toll shall have been so paid; and that 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 continued or 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 continued or erected by virtue of this Act across any Part of 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.

Tolls not to
be paid at
more than
Three Gates
in the same
Day.

XXVII. And be it further enacted, That no Person shall be subject to pay the Tolls hereby granted at more than Three Gates on the same Day, for or in respect of the same Horse, Cattle, or other Beast or Carriage passing or repassing upon the said Road, in case more than Three Gates have already been erected or shall hereafter be erected thereon.

Penalty on
avoiding
Tolls.

XXVIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds near to the said Road, or any Part thereof (the same not being a public Highway), shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any
Horse,

Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lands, and Grounds, in order to or with intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, without Payment of the Toll, all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings (over and besides such Damage and Punishments as he, she, or they shall otherwise be liable to by Law), to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Half whereof, when raised, shall be paid to the Informer, and the other Half to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

XXIX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and also assess the Charges of such Distress, Keeping, and Sale, and also of the Attendance of any Person or Persons for that Purpose on such Justice, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem right and proper; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Disputes concerning Tolls to be settled by a Justice.

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

Collectors of Tolls competent Witnesses.

XXXI. And be it further enacted, That when any Weighing Machine shall be erected on any Part of the said Road, in order the better to prevent

Penalty on Collectors

prevent

compound-
ing for Over-
weight.

prevent Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates erected or continued, or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any such Weighing Machine or Machines, which is or may or shall at any Time hereafter be so erected on the said Road, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Toll Gates erected or continued, or to be erected on the said Road, without weighing the same, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Road, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
Collector
suffering
Carriages to
pass without
weighing.

XXXII. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road, or any Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, in gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight, in respect of any Waggon, Wain, Cart or other Carriage liable to be weighed at such Weighing Machine or Machines, each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting or compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition or Agreement, forfeit and pay any Sum not exceeding Forty Shillings.

General
Exemptions
from Tolls.

XXXIII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Toll Gates, Bars or Chains to be erected upon the said Road, for any Horses or Carriages belonging to His Majesty or any of the Royal Family, or any Horses or Carriages attending His Majesty or any of the Royal Family; or for any Horses, Cattle, or Carriages 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 therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers, or returning empty after having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other public

public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, (provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption); nor from any Rector, Vicar or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor for any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Township, Chapelry, Hamlet or Place in which any Part of the said Road lies; nor for any Horses, Beasts, Cattle or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *York*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Straw, or Corn in the Straw, Turnips or Potatoes, not sold or disposed of or passing to be sold or disposed of, but to be laid up in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; or for carrying or conveying any Dung, Mould, Marl, Soil, Manure or Compost, or other Articles of Tillage, (other than Lime) to be used only for manuring of Land, or going or returning empty in that Employment; nor for any Horse, Beast, Cattle or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implements of Husbandry, unless the Carriage bearing any such Plough, Harrow or other Implements of Husbandry, be also laden with some other Thing not hereby exempted from Payment of Toll; nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture; nor for any Horse, Beast or other Cattle going to be or returning from being shod or farried, not beyond the Distance of Two Miles; nor for any Horse, Beast or Cattle used or employed for the Purpose only of carrying or conveying Gravel, Stones, Sand or other Materials for the making or repairing the said Road hereby directed to be repaired, or any other Highway or public Road within any such Parish, Township, Chapelry, Hamlet or Place as aforesaid, or for rebuilding, building, or repairing any Bridge or Bridges on the said Road; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

XXXIV. Provided always, 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 con-

Carriages for His Majesty's Service not liable to

[Local.]

23 O

veying

Penalty for
Overweight.

veying any Ordnance, Barrack, Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be
lessened, &c.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Ten Days Notice shall be given in Writing, to be affixed on all the Toll Gates erected or continued or to be erected on the said Road, and published in some public Newspaper circulated in the Neighbourhood thereof, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be with the Consent in Writing of the several Persons who shall be entitled to Two Third Parts of the Money then due on the Credit of the said Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be
compounded
for.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound, for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts or Cattle; and such Composition Money shall be paid in advance monthly, and in default of such Payment the Composition or Agreement with the Person or Persons so making Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be
leased.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (at any Meeting whereof Ten Days Notice shall have been given in Writing, and affixed upon all the Toll Gates then erected on the said Road, and inserted in some Newspaper circulated in the Neighbourhood of the said Road), from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can get for the same, payable at such Time or Times, in such Manner, and under such Conditions and Agreements, and to such Person or Persons, with such Securities for the Payment thereof, as they the said Trustees or any Five or more of them

shall think fit; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased or demised are directed to be applied.

XXXVIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, and during so long Time only as such Lessee or Lessees, Farmer or Farmers shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of such Lease, Demise, or Letting, but not further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees or Persons appointed by them may collect Tolls.

XXXIX. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also the Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same, and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit any Sum not exceeding Five Pounds; such Forfeitures respectively to be recovered and applied in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XL. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty,

For preventing Toll Collectors from misbehaving, &c.

each

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 White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall 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 refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Toll, 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 Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, 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.

Penalty on obstructing Collectors.

XLI. Provided always, and be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XLII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Twenty Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof, then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the said Riding, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, from the Possession thereof and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall

shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part), as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XLIII. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts of the Twenty-sixth Year of the Reign of King *George* the Second, and the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, so far as the same relate to the Road hereby directed to be repaired, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same; and for that Purpose, to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, in the Name of their Clerk for the Time being, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said recited Acts as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and that all the Costs to be incurred by the Trustees, or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

XLIV. And be it further enacted, That the said Trustees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such Sum and Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same: Which Mortgage shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Power to borrow Money and to assign Tolls.

‘ 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 insert the Title of this Act] we of the Trustees for putting the said [Local.] Act

Form of Mortgage.

' Act into Execution, in Consideration of the Sum of
 ' to the Treasurer of the said Trustees in Hand paid, do grant, bargain,
 ' sell, and demise unto [his, her, or their] Executors, Admi-
 ' nistrators, or Assigns, such Proportion of the Tolls arising by virtue of
 ' the said Act, and of the Toll Gates and Toll Houses for collecting the
 ' same, as the said Sum of doth or shall bear to the Whole of
 ' the Monies owing and secured on the Credit thereof; to be had and
 ' holden from this Day of in the Year of our
 ' Lord for and during the Continuance of the said Act,
 ' unless the said Sum of with Interest at the Rate of
 ' Pounds *per Centum per Annum*, shall be sooner paid
 ' and satisfied. Given under our Hands and Seals this Day
 ' of in the Year of our Lord

Copies of
Mortgages to
be entered
in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books
 to be kept for that Purpose by the Clerk or Treasurer to the said Trustees;
 and all and every Person or Persons to whom any such Mortgage or
 Mortgages shall be made as aforesaid, or who shall be possessed of any
 Mortgage made by virtue of the said former Acts, or any of them, or
 who shall be entitled to the Money thereby secured, may from Time to
 Time transfer his, her, or their Right, Title, Interest, or Benefit to the
 Principal and Interest thereby secured, or any Part thereof, to any Person
 or Persons whomsoever, by signing, before one credible Witness, an In-
 strument, whether indorsed or not indorsed upon such Mortgage or
 Assignment, in the following Words, or in Words to the like Effect;
 (that is to say),

Form of
Transfer.

' I do transfer this Mortgage or Security [*or, a certain*
 ' Mortgage or Security, *shortly stating it, as the Case may be*] with all
 ' my Right and Title to the Principal Money thereby secured, and all
 ' Interest now due thereon, unto his [*or her, or their*] Exe-
 ' cutors, Administrators, and Assigns. Dated this Day of
 ' in the Year of our Lord Witness

Which must
be entered
with the
Clerk.

Which Transfer shall be produced and notified to the Clerk or Treasurer
 to the said Trustees, who shall cause an Entry or Memorial to be made
 thereof in the before-mentioned Book or Books, specifying the Date,
 Names of the Parties, and Amount of the Sum transferred, for which
 Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings
 and Sixpence, and no more; and such Transfer shall then entitle such
 Assignee or Assignees, his, her, or their Executors, Administrators, and
 Assigns, to the Benefit thereof and Payment thereon; and such Assignee
 or Assignees may in like Manner assign and 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 any Monies
 thereby due, or any Part thereof.

An Action of
Ejectment
may be sup-
ported by one
Mortgagee.

XLV. And be it further enacted, That if any Mortgagee or Mortgagees
 of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings,
 shall seek to obtain the Possession of the said Toll Gates, Bars, Chains,
 Toll Houses, and Buildings, in order to pay himself, herself, or themselves
 the Principal Money and Interest, or any Part thereof, due to him, her,
 or them, it shall be competent for him, her, or them, as Lessor or Lessors

of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

XLVI. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts or any of them, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls, Mortgages, or otherwise by this Act granted, the said Trustees or any Five or more of them, shall in the first Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of the Principal Monies by the said recited Acts or any of them charged, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the said Road, and in otherwise putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed by virtue of the said Acts or to be borrowed by virtue of this Act, and to and for no other Use or Purpose whatsoever.

Application of the Tolls, and Money to be borrowed.

XLVII. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, alter, or exchange any Part or Parts of the Road by this Act directed to be repaired, for the better Accommodation of Coaches, Carts, Carriages, and Passengers, it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Road, or for the Loss or Damage the Owners, Proprietors, and Occupiers of such Lands, or any of them, shall or may in anywise sustain by such widening, turning, varying, or altering such Road, and to pay for the same out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees or any Five or more of them, and for the Costs attending such Purchase; which Road, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Sixty Feet wide at the least between and exclusive of Ditches; and such Lands and Grounds, when so purchased as aforesaid, shall by the Order and Direction of the said Trustees or any Five or more of them, be laid into and made Part of such Road, in such Manner as they shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall from thenceforth be deemed and taken as a public or common Highway, and Part of the Road to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the said Trustees in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards

Trustees may widen or alter, or exchange Road, and purchase Land.

Road widened, &c. to be Sixty Feet.

Not to deviate more than One hundred Yards from

from the present Line or Course of the said Road without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Trustees may contract for purchasing Lands of Bodies Politic, &c.

XLVIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees or Committees, Tenants in Tail or for Life, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seized or interested in their own Right or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seized or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat,

XLIX. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Road, and through which any Part of such Road is or are to be made, varied, diverted, turned, or altered, shall for the Space of Fourteen Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case, the said Trustees or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *York*; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time as Occasion shall be and require, to summon and call before such Jury, and examine upon Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees

Damages to be settled by a Jury.

Trustees or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of York, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees or any Five or more of them shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents making default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without shewing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, 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 any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for One Offence.

Trustees to issue their Warrant to the Sheriff to summon the Jury.

L. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments; or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees or any Five or more of them, or their Treasurer, Clerk, Surveyor,

How Expences of the Jury shall be paid.

[Local.]

veyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said Riding, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money, or depositing the same in the Bank of *England* in Manner by this Act directed, shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Money
agreed upon
or assessed
how to be
paid or ten-
dered.

LI. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in repair as such, and from thenceforth all

Parties

Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and the Land constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the new Road does not lead, shall be vested in, and shall and may be sold either by public Sale or private Contract, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; but the Purchaser or Purchasers of such respective Premises shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and all Conveyances of such Roads as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees or any Five or more of them, and enrolled with the Clerk of the Peace for the said West Riding, shall be good and effectual in the Law to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees, or any Five or more of them, by Surrender or other Conveyance, sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Old Road to be sold.

LII. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the taking or pulling down of any Dwelling House or other Buildings, or taking in the Scite of any House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk or Avenue to any 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 for that Purpose; any thing herein contained to the contrary notwithstanding.

Houses, Gardens, &c. not to be taken without Consent.

LIII. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, they may happen to be seized of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees or any Five or more of them, to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit, to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Riding, (who are hereby respectively empowered to take such Affidavit) by some

Trustees empowered to sell overplus Grounds, &c.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

Person

In case the Persons cannot agree the Value to be determined by a Jury.

Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the 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 such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Piece or Parcels of Ground shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

Application of Compensation if amounting to 200l.

LIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses,
Trusts,

Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

LV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, 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 said Accountant General of the High Court of Chancery, and to 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 Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 200l. and amounting to 20l.

LVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or

Where under 20l.

[Local.]

23. R

Guardians,

Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Directions in Cases of not making out Titles.

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

In case of disputed Titles.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be

purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and 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 High 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order; to be paid by the said Trustees or any Five or more of them, 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.

Court may order reasonable Expences to be paid by Trustees.

LX. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered to contract, for not more than Three Years, with any Person or Persons for making, altering, diverting, widening, or repairing the said Road, or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, 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 who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer, 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 be requisite for making or repairing the said Road, or any Part thereof, 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 Parties, 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.

Trustees may contract for making and repairing the Road, &c.

LXI. And

Power to get
Materials.

LXI. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, take, and carry away any Materials for making or repairing the Road by this Act directed to be amended or made and maintained, or any Part thereof, and Footways and Paths on the Sides thereof, or for building, rebuilding, or repairing any Toll House or Toll Houses, Fence, Wall or Walls, on or by the Sides thereof, or any Bridge or Bridges, Culvert or Culverts thereon, out of any common River, or Brook, or out of or from any Waste or Common in any Township, Hamlet, Parish or Place in which any Part of the said Road lies, or in any adjoining Township, Hamlet, Parish or Place, without paying any Thing for such Materials; the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish, Township, Hamlet, or Place, in which any Part of the said Road shall lie or be situate (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Materials and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the Riding or Division wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages.

Notice to be
given to the
Occupiers of
Land before
Materials are
got.

LXII. Provided always, and be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Road, or any of the Purposes aforesaid, out of or from any inclosed Land, until Notice in Writing, signed by the said Surveyor, shall have been first given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at the usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting for the said Riding, to shew Cause why such Materials shall not be had and taken therefrom; and in case such Owner, Agent, or Occupier shall not attend, or shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases such Justices shall, if they think

think proper, and they are hereby empowered to authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

LXIII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Road, or any of the Purposes aforesaid, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry, which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Road, or any of the Purposes aforesaid, before the said Surveyor and Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on taking away Materials raised by Surveyors.

LXIV. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing, and to turn any Watercourses, Gutters, Sinks, Conduits or Drains running into, along, or out of the said Road to the Prejudice thereof, and to open, scour or cleanse, widen, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road or any Part or Parts thereof respectively, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary, and also to prune, cut down, lop or top, at proper Seasons of the Year, any Branches, Shrubs or Bushes growing on the said Road, or in the Hedges or Fences adjoining the said Road, so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Garden, Orchard, planted Walk, Avenue to a House, or Nursery for Trees, and to take or carry away the Prunings or Loppings thereof, or in such other Manner that the said Road shall not be prejudiced thereby, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Three Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees or any Five of them, or by any Justice of the Peace of the Riding, Liberty, or District where the same shall occur, by Writing under their or his Hands or Hand, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to

For removing Annoyances and Nuisances.

[Local.]

23 S

prune,

prune, cut down, lop or top such Trees, Branches, Shrubs, or Bushes, or to cut or reduce such Hedges, or by the Person or Persons occasioning, or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every such Person shall for every second or subsequent Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for erecting Encroachments on the Side of the Road.

LXV. And be it further enacted; That if any Person shall from and after the Second Day of *October* next encroach by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence, within the Distance of Thirty Feet, except the Road is wider in those Parts, from the Middle or Centre of such Road (except Turnpike Houses erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands, made at a public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said Riding, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners, on Demand.

Power to make Causeways and Drains.

LXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or 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 or any Five or more of them), to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Road, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Road, or across any of the Ditches, Watercourses, or Drains where necessary, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (such Grounds respectively not being the Scite or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such

ruinous or narrow Part of the said Road be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or Two of them assembled at the next General Quarter Sessions of the Peace for the said County, or at their Second Quarter Sessions of the Peace at the farthest, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive to all Parties.

LXVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and also such and so many Direction Posts as to the said Trustees or any Five or more of them shall seem meet.

Roads to be measured, and Mile Stones set up.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or affixed, or to be erected or affixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways to be made upon the said Road for the Use of Foot Passengers, or shall suffer any Horse or other Beast or Cattle, Pig or Swine, to graze, stray, or run loose upon the said Road, or on the Side or Sides thereof, or shall lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, or shall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow, upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast Walls, Posts, Rails, or Paling set up along the Side of or upon any such Footway; or if any Person or Persons shall haul, draw, or cause to be hauled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Road, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer such Pigs or Swine to root up and damage the said Road, or the Fences, and Banks, or Copsle on either Side thereof; or if any Person driving any Carriage, Waggon, Wain, or Cart upon the said Road, and meeting another Carriage, Waggon, Wain, or Cart, shall not keep his or her Carriage, Waggon, Wain, or Cart, upon his or her left or nearest Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain, or Cart, under his or her Care, upon the said Road; or if any

Penalty on defacing Mile Stones, riding, &c. upon Causeways.

Person

Person shall after having blocked or stopped any Carriage whatsoever in going up any Hill or other rising Ground, shall leave, or permit or suffer to be and remain on any Part of the said Road, the Stone or other Thing so made use of in the blocking or stopping such Carriage; or if any Person 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 Firework whatsoever, on any Part of the said Road, or on the Banks or Lands adjacent or lying open thereto, or play at Foot-ball, or any other Game or Games, upon the said Road or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage, Waggon, Wain, or Cart (except in Cases of Accident), upon any Part of the said Road, or on the Side or Sides thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of such loading or unloading thereof, as near to the Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon the said Road, or any Part thereof, and shall not, within the Space of Two Days, take and carry the same away, or cause the same to be taken or carried away; or if the Surveyor or Surveyors of the said Road, or any Undertaker or Undertakers for the Repairs of the said Roads, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Road, or the Sides thereof, or upon any Part of the said Road, any Heaps of Stones or other Materials for repairing the said Road, or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Road; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates to
Fields to
open inward.

LXIX. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge, or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Road, shall be so made, hung, and constructed, as to open inwards towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same, so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field or Ground, Yard, or other Place, as they the said Trustees shall think proper.

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

LXX. And be it further enacted, That all and every Person and Persons, Counties, Parishes, Townships, Hamlets, Villages, and Places, and the

the Inhabitants thereof respectively, and Bodies Politic and Corporate, who before the passing of the said recited Acts or this Act have or hath used, or of right ought to repair any Part or Parts of the said Road, or any Bridge, Drain, or Watercourse in or upon the same, shall notwithstanding this Act be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been or would have been in case this Act had not been passed.

LXXI. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting within the West Riding of the County of York, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor by their Order), from Time to Time to adjudge, apportion, and determine what Part or Proportion and how much of the Statute Work or Duty shall every Year be done and performed upon the said Road by the Inhabitants of the respective Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Road lies, and also what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work or Duty, shall be by him, her, or them paid to the said Trustees or to their Treasurer; 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, Township, Hamlet, District, Division, or Place, to bring in Lists unto and before such Justices, at some Place and Time to be expressed in such Summons, (within Ten Days after the serving of such Summons), containing the Names of the several Persons who within such Parish, Township, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work or Duty, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and specifying 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 limited, directed, and appointed by any Law or Statute in Force and Effect for the Repair of public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order, and direct such and so many of the Persons who shall appear to be subject and liable to Statute Work or Duty as aforesaid, to do and perform such Number of Days Statute Work or Duty in every Year upon the said Road as the said Justices shall think reasonable and proper; and the same shall be done on such Days and at such Times (not being Seed-time, Hay-time, or Harvest), and on such Part or Parts of the said Road as the said Trustees or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order, apportion, direct, and appoint the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty as aforesaid, to pay such Proportion thereof as the Justices shall think proper to the Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their

Justices to determine Differences touching Statute Work.

[Local.]

23 T

Treasurer,

Treasurer, at such Time or Times as the said Trustees 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 to be recovered; and each and every Person who shall neglect or refuse to do and perform 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, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught, Horse or Beast 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 turn off the Person who shall be found idle or negligent as aforesaid, and in that Case the Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or permit such Team or Draught, Horse or Beast to work on any Part of the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Road lies, 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 and pay over such Composition, 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; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road.

For com-
pounding for
Statute
Work.

LXXII. And be it further enacted, That it shall and may be lawful to and 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 of and 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 by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

For enforc-
ing the Pay-
ment of
Composition
Money.

LXXIII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu

lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Five Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said Riding, by Writing under his or their Hand and Seal or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or are hereby empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work (as the Case may be), returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

LXXIV. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors,
&c. may re-
cover the
same.

LXXV. And be it further enacted, That all Penalties and Forfeitures hereby inflicted, or authorized to be imposed (the Manner of levying and recovery whereof is not hereby otherwise particularly directed) with the Costs and Charges attending the Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said Riding, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice is hereby empowered and required to grant upon Conviction of the Offender, by Confession, upon the Oath of One or more credible Witness or Witnesses; and such Penalties and Forfeitures, when so levied, shall be paid, One Half to the Informer, and the other Half to the Surveyor of the said Road, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the Whole shall be applied towards the Repair of the said Road; and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Riding, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid.

Recovery and
Application
of Penalties.

LXXVI. And

For securing
unknown
Persons
guilty of
Offences.

LXXVI. And be it further enacted, That it shall and may 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 Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said Riding, near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of
Conviction.

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

‘ West Riding of the County }
‘ of York, to wit. } **BE** it remembered, That on the
‘ Day of in the
‘ Year of His Majesty’s Reign, and in the Year of our Lord is
‘ convicted before of His Majesty’s Justices of the Peace
‘ for the said Riding, by virtue of an Act passed in the Fifty-ninth Year
‘ of the Reign of King George the Third, intituled *An Act, &c.* [*here set*
‘ *forth the Title of this Act, and specify the Offence, when and where com-*
‘ *mitted.*] Given under our Hands and Seals [*or, my Hand Seal*] the Day
‘ and Year first above written.’

Proceedings
not to be
quashed for
want of
Form.

LXXVIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, shall be quashed, set aside, or vacated for want of Form only, nor shall be removed or removable by *Certiorari* or otherwise, into any of His Majesty’s Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby in an Action upon the Case; but the Plaintiff or Plaintiffs shall not recover in any Action for such Irregularity as aforesaid, if tender of sufficient Amends shall be made by or on behalf of the Party distraining, before such Action brought.

LXXIX. And

LXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may within Four Calendar Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the said Riding, unless such Complaint shall arise within Fourteen Days preceding such Session, in which Case such Appeal may be brought at the Second Session after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause, shall and may, by Order of such Session, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the said Justices are hereby authorized and required to levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress to commit such Person or Persons to the Common Gaol for the said Riding, for any Time not exceeding Three Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall and is and are hereby required to give Notice in Writing to the Clerk of the Trustees of the said Road, of such his or their Intention of bringing and prosecuting an Appeal, Ten Days before the said Quarter Sessions, and shall before such Notice given enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said Riding, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Appeal to
Quarter
Sessions.

Notice of
Appeal to be
given.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done or pretended to be done in pursuance of this Act, until after Twenty-one Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, shall be made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before the Twenty-one Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action

Limitation
of Actions.

General Issue.

[Local.]

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or

or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall have been given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act. LXXXI. 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.

The Commencement and Term of this Act. LXXXII. And be it further enacted, That this Act shall commence and take Place upon the Second Day of *October* next, 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.

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