



ANNO TRICESIMO NONO

GEORGI II. REGIS.

Cap. 52.

An Act for more effectually repairing and improving the Road from *Skipton*, in the County of *York*, to *Clitheroe*, in the County of *Lancaster*.

[13th June 1799.]

WHEREAS by an Act, made in the Twenty-eighth Year of the Preamble.
Reign of His late Majesty King *George* the Second, intituled,
An Act for repairing and widening the Roads from the Town of 28 Geo. II.
Leeds, in the West Riding of the County of York, through Otley, Skipton,
Colne, Burnley, and Blackburn, to Burscough Bridge, in Walton, in the
County of Lancaster; and from Skipton, through Gisburn and Clitheroe,
to Preston, in the said County of Lancaster; several Tolls and Duties were
granted and made payable, and divers Powers and Authorities were given
for repairing the said Roads, and putting the said Act in Execution; which
said Act was to have Continuance, from and after the Second
Day of June One thousand seven hundred and fifty-five, for the Term
of Twenty-one Years, and from thence to the End of the then next Ses-
sion of Parliament: And whereas by another Act, made in the said
Twenty-eighth Year of the Reign of His said late Majesty, relating to
the Turnpike Roads of this Kingdom, an additional Term of Five Years
was granted to the said Term of the said first-mentioned Act: And
whereas by another Act, made in the Twenty-first Year of the Reign of 21 Geo. III.
His present Majesty, for continuing the Term, and altering and enlarging
the Powers, of so much of the said first-mentioned Act, as related to the

[*Loc. & Per.*]

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Roads

Roads from *Otley* to *Skipton*, from *Skipton* to *Colne*, and from *Skipton* to *Clitheroe*, the Terms and Powers contained in the said former Acts, (except such as were by the now reciting Act varied, altered, enlarged, or amended), and also in the now reciting Act, were declared to be in full Force and Effect, and to have Continuance from the passing of the now reciting Act, until the Expiration of the several respective Terms granted by the several Acts before mentioned, and from and after the Expiration thereof, for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees for the Road leading from *Skipton* to *Clitheroe* (being a separate District) have borrowed considerable Sums of Money upon the Credit of the Tolls arising within the same District by virtue of the said former Acts, which still remain due and unpaid, and great Progress hath been made in improving and amending the said Road; but the same cannot be effectually diverted, improved, amended, and kept in Repair, and the Money so borrowed on the Credit of the said Tolls be repaid, unless the Terms of the said Acts be further continued, and the Powers thereof varied, altered, and enlarged, and the Tolls increased: And whereas the said Two former Acts of the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and of the Twenty-first Year of the Reign of His present Majesty, contain divers Clauses, Powers, and Provisions, concerning several other Districts of Road in nowise relating to the District of Road from *Skipton* to *Clitheroe* aforesaid, and several other Clauses, Powers, and Provisions, contained in the said Two recited Acts relating to this District of Road, are inexplicit and inconvenient: And whereas the several Powers and Provisions necessary for the Purposes before mentioned might be better and more easily executed, if the same were comprized 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 first-mentioned Act of the Twenty-eighth Year of the Reign of His late Majesty, and the said Act of the Twenty-first Year of the Reign of His present Majesty, and all and every the Powers and Clauses therein contained, so far as the same Acts, or either of them, relate to or concern the District of Road from *Skipton*, in the County of *York*, to *Clitheroe*, in the County of *Lancaster*, shall be, and the same are hereby repealed.

Trustees.

II. And be it enacted by the Authority aforesaid, That Sir *John Aubrey* Baronet, *Charles Addey*, *George Allanson* Clerk, *William Alcock*, *Thomas Altham*, *Thomas Armitstead* Clerk, *William Asheton* of *Downham*, *John Atkinson* of *Kirby*, *John Atkinson* of *Lincoln's Inn*, each of the Bailiffs of the Borough of *Clitheroe* for the Time being, *John Bagshaw*, *William Baldwin* of *Smithies Bridge*, *John Baldwin* of *Chatburne*, *Anthony Baldwin* of *Cotes*, *Thomas Baldwin* of *Clitheroe*, *John Baldwin* of *Manchester*, *William Baynes*, *John Baynes*, *Richard Henry Beaumont*, *Robert Benson*, *Robert Birtwhistle*, *William Birtwhistle*, *Alexander Birtwhistle*, *William Birkbeck*, *William Birkbeck junior*, *John Birkbeck*, *Joseph Bowman* Clerk, *Robert Bramley*, *Richard Ramsden Bramley*, *Thomas Brown*, *John Bulcock*, *Johnson Atkinson Busfield*, *Busfield*, *Johnson Atkinson Busfield* Clerk, *Robert Buchanan* M. D., *Edmund Benson*, *Thomas*

Thomas Brome, William Benson, the Honourable George Augustus Curzon,
the Honourable Robert Curzon, Thomas Collins D. D., William Carr
Clerk, Stephen Carr, Thomas Chamberlain, Abraham Chamberlain, Tho-
mas Clarke of Waddow, John Clayton, Thomas Clayton, Robinson Chippin-
dale, Thomas Chippindale of Staple Inn, Thomas Cockshot, John Cockshot,
John Coulthurst, Henry Croft Clerk, Henry Owen Cunliffe, William Hart-
ley Currer, William Chamberlain, George Chamberlain, William Clapham,
John Cunliffe, John Nicholas Coulthurst, William Coulthurst, Henry Coult-
hurst, the Right Honourable Charles Earl of Dalkieth, Pudsey Dawson,
Richard Dawson Clerk, Richard Dawson junior, William Dixon, Robert
Dynely, John Dyneley, Josias Dawson, Henry Eccles, Richard Edleston,
Richard Edleston junior, Thomas Edleston, John Ellill, Benjamin Ferrand,
James Fox, John Baynes Garforth, Thomas Garforth, Peter Garforth,
Peter Garforth junior, Thomas Gartham Clerk, Richard Greenwood, Ni-
cholas Halstead, John Hall of Gisburne, Richard Hartley, William Hartley
of Greenhead, James Hammerton, Henry Hayburst, Charles Hall Clerk,
Thomas Heaton Clerk, Richard Heber, John Heelis, Edward Heelis,
Lamplugh Herd Clerk, Richard Horner, James Hammerton junior, John
Hyde, Peter Hartley, Sir Henry Carr Ibetson Baronet, Charles Jackson,
Ignatius Ingham, Thomas Johnson of Eshton, John Lister Kaye, Thomas
King D. D., Edward King, Robert Knowles Clerk, Charles Knowlton
Clerk, the Honourable Henry Lascelles, the Honourable Edward Laf-
celles, the Honourable Thomas Lister, John Fletcher Lister, Thomas Lister
of Emanuel College, Anthony Lister, Anthony Lister junior, William Lan-
caster, Thomas Lancaster, Richard Lloyd of Busball, Gamaliel Lloyd, Wil-
liam Middleton, Thomas Marsden Clerk, Joseph Mason of Gargrave, Tho-
mas Mason of Eshton, Richard Moon of Hallifield, Thomas Moorhouse,
Edward Moorhouse, John Mitchell, William Moorhouse, Thomas Wilson
Morley, John Nightingale, Joseph Nightingale, Henry Hoyle Oddie, Henry
Hoyle Oddie junior, John Oddie of Clitheroe, Thomas Paley, George Paley,
Thomas Lister Parker, Edward Parker, John Parker of Marshfield, Tho-
mas Parker of Alkincoats, John Parker of Clitheroe, John Parkinson of
Otterburne, John Parkinson of Winterborne, John Peart, Thomas Peel,
John Preston Clerk, Christopher Prince, Edward Parker, John Parker,
Charles Parker, Henry Parker, William Parker, Cooper Preston, Wilber-
force Preston, John Raws Clerk, Josias Rimmington, Walter Rimmington,
Martin Richardson, Josias Robinson, William Roundell Clerk, Richard
Henry Roundell, Danson Richardson Roundell, Henry Dawson Roundell,
Saville Richardson Roundell, Septimus Ward Roundell, James Scott D. D.,
Lister Sagar, Sclater of Bradford, William Sidgwick, War-
ren Simondson, Robert Smith of Waddington Clerk, Smith of
Skipton, Legender Pierce Starkie, Thomas Starkie of Gisburne, Thomas
Jepson Starkie, David Swale, Robert Stockdale of Knaresborough, Samuel
Swire Clerk, William Rookes Leeds Serjeantson, Samuel Swire junior,
Clerk, the Honourable Henry Tufton, the Honourable John Tufton,
Tripp LL. D., Stephen Tempest, Stephen Tempest junior,
Charles Tempest, Henry Tempest, Matthew Tillotson, John Tipping of
Dockber, Robert Tennant, Thomas Tindal, Charles Tindal, John Tennant,
Townley, William Topham, Christopher Topham, William
Wainman, Richard Wainman, William Atkinson Wasney Clerk, Henry
Wickham, William Wickham, James Wiglesworth, Henry Wiglesworth
Clerk, Thomas Wilkinson of Bramham Park, Henry Wilkinson of Winter-
borne, John Wilkinson of Slaidburne, Richard Wilkinson of Hellefeld, Ri-
chard

Richard Roe Walton, Matthew Wilson, Thomas Furnis Wilson Clerk, Matthew Wilson junior, Richard Withnell Clerk, William Wilkinson, Joshua Windle, Richard Wilson, Thomas Yorke, John Yorke, John Yarker, Henry Yorke, Edmund Yorke, and all and every other Person or Persons to be elected in Manner herein-after mentioned, (being qualified according to the Directions of this Act), shall be, and are hereby appointed Trustees for surveying, ordering, amending, diverting, widening, repairing, and keeping in Repair, the said Road from Skipton aforesaid to Clitheroe aforesaid, and for putting this present Act into Execution within the said District of Road.

Power to appoint new Trustees.

III. And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful to and for the surviving and remaining Trustees, or any Nine or more of them, present at the First or any succeeding Meeting, by any Writing or Writings under their Hands, from Time to Time during the Term hereby granted, to nominate, elect, and appoint One or more fit Person or Persons in the room of such Trustee or Trustees so dying, or refusing to act, and such Person or Persons so nominated, elected, and appointed shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every such new Trustee or Trustees, shall be given in Writing under the Hand of the Clerk to the said Trustees, to be fixed at or on all and every the Turnpikes now erected, or which shall be erected by virtue of this Act, at least Twenty Days before the Meeting for such Election; and all and every such Person and Persons as shall from Time to Time be chosen and appointed, shall be joined with such surviving or remaining Trustees, and shall and may, and he and they are hereby empowered to act, to all Intents and Purposes, in as large and ample Manner as the said Trustees hereby appointed are empowered to act.

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in any case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of a Personal Estate of the Value of Two thousand Pounds, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, unless such Person be One of the Bailiffs of the Borough of *Clitheroe*, who is hereby declared to be a Trustee *virtute Officii*; and if any Person or Persons, not being qualified as aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person, for such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*, (if such unqualified Person shall act in the County of *Lancaster*), by Action of Debt, on the Case, Bill, Suit, or Information, with Costs of Suit, wherein no Essoign, Protection, or Wager of Law shall be allowed.

V. Provided

V. Provided also, and be it enacted by the Authority aforesaid, That no Attorney or Solicitor, except he be One of the Bailiffs of the Borough of *Clitheroe*, shall be capable of acting as a Trustee during the Time he shall practise as an Attorney or Solicitor.

No Attorney or Solicitor to act.

VI. Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept any Place of Profit arising out of or by reason of the Tolls hereby granted, nor shall directly or indirectly be an Undertaker for the making, repairing, widening, or diverting any Part of the said Road, but such Person and Persons shall, from the Time of accepting such Place or Undertaking, be incapable of acting as a Trustee or Trustees during his or their Enjoyment of such Place of Profit or Undertaking as aforesaid; nor shall any Person whomsoever act as a Trustee in the Execution of all or any of the Powers or Authorities hereby granted, in any Matter or Thing whatsoever wherein he is directly or indirectly interested.

No Trustee to hold an Office under this Act, nor to act where interested.

VII. Provided also, and be it further enacted by the Authority aforesaid, That if any Trustee or Trustees appointed or to be appointed as aforesaid, is, are, or shall be in the Commission of the Peace for the West Riding of the County of *York*, or the County of *Lancaster*, or the Borough of *Clitheroe*, such Trustee or Trustees shall and may nevertheless act as a Justice or Justices of the Peace for the more speedy and effectual putting in Execution the several Powers and Authorities hereby given, notwithstanding such Justice or Justices is or are a Trustee or Trustees as aforesaid, and act as such.

Any Trustee being a Justice of the Peace, may act as such.

VIII. And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes, Toll Houses, Posts, Rails, Gates, Stones, Materials, and Erections, which now are or hereafter shall be erected, built, set up, continued, or brought upon the said Road by virtue of this Act, shall be, and are hereby vested in the said Trustees; and the said Trustees, or any Seven or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, or to prefer Bills of Indictment, and proceed thereon against any Person or Persons who shall take away, break up, spoil, or damage, any such Turnpike or Turnpikes, Toll House or Toll Houses, Posts, Rails, Gates, Stones, or Materials, or any of them, or any Part or Parts thereof, or disturb the said Trustees in the Enjoyment of their Property thereof; the Expences of all which Actions, Prosecutions, or Proceedings, shall be defrayed out of the Tolls to be received and taken as herein-after mentioned.

Property of the Turnpikes, &c. vested in Trustees.

IX. And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Nine or more of them, shall meet together at the House of *John Holmes* in *Skipton* aforesaid, the Sign of the *Black Horse*, on the Day of the Commencement of this Act, and shall then adjourn themselves, and afterwards meet alternately at the Places herein-after mentioned, as often as it shall be necessary for putting

Time of First Meeting.

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Power for
Clerk to adjourn.

this Act in Execution; and if it shall happen that there shall not appear at any such Meeting or Meetings which shall hereafter be appointed to be held by virtue of this Act, Five or more Trustees to act at such Meeting, and to adjourn to any other Time, then and in such Case the Clerk for the Time being shall and may appoint such Trustees to meet at such Place as the succeeding Meeting of the said Trustees is hereby directed and appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to have been held; and in case there shall not appear a sufficient Number of Trustees to act at such Meeting, and to adjourn as aforesaid, that then the Clerk shall appoint such Trustees to meet at the Place where the next succeeding Meeting of the said Trustees is hereby directed and appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to have been held, and so from Time to Time the said Clerk shall appoint a Meeting every Fortnight until a sufficient Number of Trustees shall appear and meet to act, or to appoint another Meeting by Adjournment; and that the said Trustees at all their Meetings shall defray their own Charges and Expences; provided that no such Adjournment shall be made for a longer Space of Time than Three Calendar Months.

Places of
Meeting.

X. And, for the better and more effectual putting in Execution all the Powers and Authorities by this Act given and granted, be it enacted by the Authority aforesaid, That all the Meetings of the said Trustees shall, after the said First Meeting at *Skipton*, be held alternately at *Clitheroe*, *Gisburne*, and *Skipton*.

Road to be
measured, and
Mile Stones to
be set up.

XI. And be it further enacted by the Authority aforesaid, That the said Trustees appointed or to be appointed as aforesaid, or any Five or more of them, present at their First or any subsequent Meeting, shall and may order and direct the said Road to be measured, and cause Stones or Posts to be set up at proper Distances in or near the Sides of the said Road, at the Distance of One Mile from one another, denoting the Distances of every such Stone or Post from any other Place, in such Manner as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully break, obliterate, deface, or pull up any of the said Stones or Posts, and be thereof convicted upon Oath before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County, Riding, Borough, Town, or Place, where the Offence shall be committed, all and every such Person and Persons so offending shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully broken, obliterated, defaced, or pulled up.

Penalty on
Persons de-
facing Mile
Stones.

Power to
erect Turn-
pikes.

XII. And be it further enacted by the Authority aforesaid, That the said Trustees hereby appointed, or hereafter to be appointed as aforesaid, or any Nine or more of them, shall and may, and they are hereby authorized and empowered to continue or erect and set up, or cause to be erected and set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, across, or on the Side of any Part of the said Road, and a Toll House or Toll Houses near thereto; and it shall and may be lawful to and for the said Trustees herein-before named and their Successors, or any Nine or more of them, or for such Person or Persons as they, or any Nine or more of them, shall, in Writing under their Hands and Seals, authorize

authorize and appoint, to demand, receive, and take, before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any of the said Toll Gates, the several Tolls and Duties following, or the Parts, Shares, and Proportions, into which the same shall be divided or apportioned as herein-after mentioned; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, not drawing, the Sum of Three-pence : Tolls to be taken.

For every Drove of Oxen or neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any greater or less Number :

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

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Horse Litter, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings :

For every Chaise, Chair, or other such Carriage, drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling :

For every Waggon, Wain, Cart, Dray, or other such Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Nine-pence :

For every Waggon, Wain, Cart, Dray, or other such Carriage, drawn by One or any Number of Horses or Beasts of Draught, having the Fellies of the Wheels of less Breadth than Six Inches, a further Toll or Duty not exceeding One Fourth Part of the Tolls or Duties hereby imposed and granted upon such Waggon, Wain, Cart, Dray, or other such Carriage respectively :

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty; and the Money so to be raised and collected, and all other Monies now remaining in the Hands of the said Trustees, and which shall or may be borrowed or come to their Hands by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be by them, or any Seven or more of them, applied and disposed of in the first Place for paying and defraying the Expences and Charges attending the obtaining and passing this Act, and the Expences and Charges of erecting and repairing such Mile Stones or Posts, Turnpike or Turnpikes, Toll House or Toll Houses, as the said Trustees are hereby enabled or shall think proper to set up on the same, and afterwards, and subject thereto, the same Tolls shall be paid and applied in Payment of the Interest of the several Principal Sums borrowed or to be borrowed for the Use of the said Road, when and as the same shall become due; afterwards for the amending, widening, diverting, repairing, and keeping in Repair Tolls vested in Trustees.

Repair the said Road, and for the other Purposes of this Act with respect thereto; and lastly, in reducing, paying off, and discharging the said several Principal Sums.

Power to apportion the Tolls.

XIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, now and from Time to Time and at all Times during the Term hereby continued or granted, at any General Meeting to be held for that Purpose, to separate, divide, and apportion the Tolls hereby granted and made payable, into so many Shares and Proportions as to the said Trustees, or any Nine or more of them, shall seem meet and expedient, and such Parts of the said Tolls shall be taken and received at such and so many of the said Turnpikes and Toll Houses as by the said Trustees, or any Nine or more of them, shall from Time to Time be ordered and appointed for that Purpose, and not otherwise.

One Third of the Tolls to be expended in repairing One Third in Length of the District next *Clitheroe*.

XIV. Provided nevertheless, That One Third Part of the Tolls and Duties to be collected and received upon the said Road by virtue of this Act, subject to the Payment of the present or any future Debt secured or to be secured by the said Tolls, or Trustees for the Benefit of the said Road, and subject to the Payment of the Salaries to the Clerk, Treasurer, and Surveyor, shall be laid out and expended in widening, diverting, repairing, and improving One Third Part in Length of the said District of Road next to the Town of *Clitheroe*.

On Nonpayment of Tolls to distrain.

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, under their Hands and Seals in Writing, shall from Time to Time appoint, to levy the said Tolls upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle, or of any Carriage or Goods upon which such Tolls are by this Act imposed, or by Distress of any other Goods or Chattels of such Person or Persons who ought to pay the same, and to detain and keep the same until such Tolls, with the reasonable Charge of distraining and keeping shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days from such Distress made and taken, (such Toll, with the reasonable Charge of such distraining and keeping, not being then paid), to sell the Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and reasonable Charges for distraining and keeping the same, shall be deducted and paid; which Charge shall be settled by the said Trustees, or any Seven or more of them, or by One or more Justice or Justices of the Peace, for the County, Riding, Borough, or Place where such Distress shall be taken.

No Gate to be within One Mile of *Sawley Bridge*, &c.

XVI. Provided always, That no Turnpike or Toll Gate shall be set within One Mile of *Sawley Bridge*, nor nearer to *Clitheroe* than the Village of *Chatburn*, nor nearer *Skipton* than the Village of *Broughton*.

Penalty on Persons evading, or suffering others to evade Tolls.

XVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning, renting, or occupying any Lands

Lands or other Premises near or adjoining to any Turnpike or Turnpikes which now are erected upon the said Road, or shall be erected by virtue of this Act, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Gate, Passage, or Way therein, or over the same, with any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any Sort of Cattle, with an Intent to evade the Payment of any of the said Tolls; or if any Person or Persons owning, riding in, or driving any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, or owning, riding, or driving, any Horse, Mare, Gelding, Ass, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, with an Intent to evade the Payment of the said Tolls; or if any Person or Persons shall with such Intent take off, or cause to be taken off, any Horse, Mare, Gelding, or other Cattle, from any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage; or if any Person or Persons, with the like Intent, shall leave upon the said Road any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, or any Horse, Mare, Gelding, Ass, Mule, or other Cattle, or shall, with the like Intent, conceal or secrete, or cause to be unladen, any Goods or other Things chargeable with any of the Tolls aforesaid, by reason whereof, or any of the Offences aforesaid, the Payment of any of the Tolls by this Act imposed shall be avoided or lessened, each and every such Person or Persons, in all, every, or any of the Matters aforesaid offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more of the Justices of the Peace for the County, Riding, Borough, or Place, where such Offence shall be committed, (which Oath the said Justice or Justices respectively is and are hereby empowered to administer without Fee or Reward), shall, for every such Offence respectively, forfeit a Sum not exceeding Twenty Shillings.

XVIII. Provided always, That no Person or Persons having paid the Toll at any Gate or Turnpike through which he, she, or they shall pass with any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, and returning through the same Gate or Turnpike the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), and producing a Note or Ticket that the same Toll was paid, (which Note or Ticket the Receiver or Receivers, Collector or Collectors of the Tolls imposed by this Act are hereby required to give *gratis*), shall be liable to pay any Toll at the same Gate or Turnpike on such his, her, or their Return; and with respect to Carts, Carriages, or Horses going for or returning with Coals, no Person or Persons shall be liable to pay any Toll for the same more than Once within the Space of Twenty-four Hours.

Tolls to be paid only Once a Day;

and for Coals Once in 24 Hours.

XIX. Provided nevertheless, and be it further enacted, That no Cart or other such Carriage employed in carrying any Corn, Grist, or Flour

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Carriages with Grist not to pay Toll only from Once.

from any Mill, situate in any Township through which the said Road passes, shall pay Toll a Second Time, when going unladen for, or returning solely laden with the same Corn, Grist, or Flour, on the same or any future Day; any Thing herein contained to the contrary notwithstanding.

Penalty on
Persons lending
or altering
Tickets.

XX. And for preventing Frauds and Abuses in the said Tolls, be it enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls by this Act granted, and having such Note or Notes, Ticket or Tickets, as is and are hereby directed to be given, shall give or dispose of the same to any Person or Persons, or alter the same in order to avoid the Payment of the said Tolls, or any Part thereof, every such Person or Persons giving, disposing, or offering or altering, and the Person or Persons receiving and using such Note or Notes, Ticket or Tickets, and being thereof respectively convicted upon Oath before One or more Justice or Justices of the Peace as aforesaid, (which Oath the said Justice or Justices is and are hereby empowered to administer), such Person or Persons shall respectively forfeit and pay the Sum of Twenty Shillings for every such Offence.

Power to erect
Cross Bars,
but

not to pay for
crossing only.

XXI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint or direct, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, or across any Lane or Way leading out of the same, to prevent Frauds and Abuses in eluding the Payment of the said Tolls hereby imposed, and there to take and receive such Toll or Tolls as is or are by virtue of this Act to be taken, so as the same do not extend to any greater Duty or Charge than ought to be taken, according to the true Meaning of this Act: Provided always, That no Toll shall be taken at any Toll Gate or Turnpike to be erected by virtue of this Act on any Part of the said Road, for crossing the said Road only, or unless such Person or Persons shall use the same Six hundred Yards at the least.

Persons and
Things ex-
cepted.

XXII. Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls aforesaid for passing through any of the Turnpikes to be erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, which draw or carry any Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways in the Parishes, Townships, or Hamlets in which the said Road lies; or in going for or returning through any of the said Turnpikes with any Dung, Mould, Manure, Lime, or Compost, of any Nature or Kind soever, to be employed in Husbandry for manuring or improving Land in any Township through which the said Road passes, or any other Place within the Distance of Two Miles from the Line of the said Road; nor shall any Toll be demanded or taken by virtue of this Act for any Carts, Wains, Waggons, Drays, or other Carriages, Horses or other Cattle, carrying any Hay, Straw, or Corn in the Straw only; or for any Ploughs, Harrows, or Implements of Husbandry; or for any Materials used or employed for
the

the building or repairing of Houses or Outhouses, or Fences, in the said several Parishes, Townships, or Hamlets; nor shall any Toll be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, in which the said Road doth lie, when attending the Funeral of any Person or Persons who shall die or be buried in any of the said Parishes, Townships, or Hamlets, or when going to or returning from Church, or other Place of Religious Worship, on *Sundays*; or for any Horses, Mares, Geldings, or Cattle, going to or returning from the Pasture or Water; or for any Chaise or other Carriage, or Post Horse, carrying the Mail or Packet, or returning after carrying the same; nor shall any Toll be demanded or taken for the Horses of Soldiers, passing who are upon the March, or for Carts, Carriages, or Wagons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning after being so employed; nor shall any of the said Tolls be demanded or taken at any Turnpike or Toll Gate for any Coaches, Chariots, Landaus, Berlins, Chaises, Calashes, Chairs, Caravans, or Litters, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *York* and *Lancaster*, or either of them.

XXIII. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First or any succeeding Meeting, by Writing under their Hands and Seats, shall and may elect, nominate, and appoint One or more fit Person or Persons to be Clerk or Clerks, and also One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls arising in the said Roads; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same be diverted, repaired, and widened, and that the Money raised by this Act be duly applied, and also such other Officer or Officers as they shall think necessary to employ in the Execution of this Act; and shall take such Security for the due Execution of the said Offices as the said Trustees, or any Seven or more of them, shall think proper and approve of; and the said Trustees, or any Nine or more of them, shall and may, from Time to Time, remove and displace such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, or other Officer or Officers, or any of them, as they shall see Occasion, and appoint new Ones in Manner aforesaid in case of such Removals or Deaths respectively; and such Person or Persons as is or are hereby made liable to pay the said Tolls hereby granted, shall pay the same to such Person or Persons as shall from Time to Time be so appointed to collect and receive the same, according to the Meaning of this Act; and the Person or Persons so appointed to collect and receive the same, and also such Treasurers, Collectors, Surveyors, and other Officers to be appointed as aforesaid, shall, from Time to Time, as often as thereto required by the said Trustees, or any Five or more of them, make and render unto the said Trustees, or any Five or more of them, or unto such Person or Persons as they, or any Five or more of them, shall from Time to Time for that Purpose appoint, exact and perfect Accounts in Writing, under their respective Hands, upon Oath, to be taken before Five or more of the said Trustees requiring such Account, or before One or more of His Majesty's

Trustees to
appoint Of-
ficers:

Officers to
give Security:

Officers to
account.

Majesty's Justices of the Peace for the County, Riding, Borough, or Place, where such Officer so required to account shall have acted and been employed, (which Oath such Trustees, or Justice or Justices, are hereby empowered to administer without Fee or Reward), of all Monies which he, they, or any of them respectively shall to such Time have received, paid, or disbursed, by virtue of this Act by reason of their respective Offices; and in case any Money so received shall remain in any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing or Writings under their Hands authorize and empower to receive the same; and in case the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, or any of them, shall refuse or neglect to give a true and perfect Account in Writing upon Oath as aforesaid, of all such Sum and Sums of Money as he or they shall have collected, received, paid, and disbursed; or shall knowingly or wilfully deliver a false, defective, or imperfect Account, or having delivered a true and perfect Account shall refuse or neglect to pay the Monies due on such Accounts, then it shall and may be lawful to and for One or more Justice or Justices of the Peace for the County, Riding, Borough, or Place, where such Officer or Officers shall have acted and been employed, to make Enquiry of and concerning such Refusal or Default, as well by the Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses, upon Oath, which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward; and if any such Treasurers, Receivers, Collectors, or other Officer or Officers, shall be convicted of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having refused or neglected to pay the Monies due on such Account within Ten Days after the same is given in as aforesaid, then, and in any of the said Cases, it shall and may be lawful to and for One or more such Justice or Justices to commit the Offender to the Common Gaol of that County, Riding, or Place, wherein such Offender shall have acted and been employed, there to remain, without Bail or Mainprize, until such Offender shall make and give a full, true, and perfect Account and Payment as aforesaid; or shall have compounded and agreed with the said Trustees, and paid such Composition to them, or any Five or more of them, or to the Treasurer for the Time being, which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby empowered and authorized to make; and the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls, make such Allowances to the Treasurer or Treasurers, Receivers, Collectors, Surveyors, Clerks, and other Officers so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Road to be amended, divered, and repaired, by advancing or laying out any Monies, or otherwise relating thereto, as to them shall seem meet.

Officers neglecting or refusing to account,

upon Conviction, to be committed.

Materials for the Road how to be got.

XXIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors for the Time

Time being, and such Person or Persons as he or they shall appoint, to dig, get, take, and carry away any Gravel, Furze, Heath, Sand, Stone, or other Materials proper or convenient for repairing the said Road, out of any Waste or Common, River or Brook, in any Parish, Town, Village, or Hamlet wherein or near which any Part or Parts of the said Road doth lie; and for Want of sufficient Quantities of Gravel, Furze, Heath, Sand, Stone, or other Materials there, to dig, get, take, and carry away the same out of any Waste or Common, River or Brook, of any neighbouring Parish, Town, Village, or Hamlet, without paying any Thing for the same, the said Surveyor or Surveyors filling up, fencing about, levelling, or causing to be levelled, all such Pits and Holes as shall be occasioned by the digging for or taking away such Materials, and making such Satisfaction and Allowance to the Person or Persons through whose Land or private Ways such Materials shall be led and carried, for the Damage done and occasioned thereby, as the said Trustees, or any Seven or more of them, shall think fit and reasonable; and where there are not sufficient Materials in such Rivers, Brooks, Wastes, and Commons as aforesaid within convenient Distances from the said Road, it shall and may be lawful to and for such Surveyor and Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig, get, and gather the same in or out of any old or open Quarries in the several Grounds of any Person or Persons, (not being a Garden, Yard, Park, Paddock, planted Walk or Walks, Pleasure Ground, Lawn or Lawns, or Avenue to any House, or any Piece or Parcel of inclosed Ground planted, set apart, or used as a Plantation or Nursery for Trees; or out of any Meadow that has been used as such for the Space of One Year at least next immediately preceding the digging for and gathering such Materials), where such Materials are and may be found, and from Time to Time to carry away such and so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying to the Occupiers such Rates for the Damage done to the Grounds where, through, and from whence the same shall be digged, gotten, gathered, or carried away, as the said Trustees, or any Seven or more of them, shall judge reasonable; and in case of any Difference between such Occupier and the Trustees, touching the Damages aforesaid, the Majority of the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden in and for the County or Riding where and from whence such Materials shall be digged, gathered, or carried away, shall and may adjudge, assess, and finally determine the same.

XXV. Provided nevertheless, That nothing in this Act shall extend to enable the Trustees or Surveyor of the District of Road, or any other Person under their Authority, to dig, get, take, or carry away any Limestone or Limestones from any Rock or Quarry in *East and West Marston*, now the sole private Property of the Reverend *William Roundell Clerk*, or his Lessees.

Trustees not to dig the Quarry in *East and West Marston*.

XXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and 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 Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks, or Drains running into the said Road to the Prejudice thereof,

Surveyors to remove Annoyances.

[*Loc. & Per.*]

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thereof,

thereof, and to open, scour, and cleanse, deepen or enlarge any Ditch or Watercourse adjoining or near to the said Road, or any Part thereof, and to cut down, top or lop any Trees, Branches, or Bushes, growing in the said Road, or within Fifteen Feet of the Center thereof, and to take and carry away the same, in case the Owners or Occupiers of the Premises where such Annoyances as aforesaid shall happen to be shall neglect to cut down and carry away such Trees, Branches, or Bushes, and remove such Annoyances within Ten 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 or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning, neglecting, or refusing to remove such other Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as any other Forfeitures or Penalties herein-before mentioned are directed to be levied and recovered; and if after the Removal of any such Annoyances, any Person or Persons shall offend again in the like Kind, every such Person or Persons so again offending, and being thereof convicted upon Oath before One or more Justice or Justices of the Peace for the County, Riding, Borough, or Place where such Offence shall be committed, (which Oath the said Justice or Justices is and are hereby empowered and required to administer), shall, for every such Offence, forfeit and pay unto the said Trustees, or their Treasurer for the Time being, the Sum of Twenty Shillings.

Occupiers neglecting to cleanse Watercourses, and repair,

Surveyor to do it, and charge the Expence to the Occupiers.

XXVII. Provided also, and be it further enacted, That if any Owner or Owners, Occupier or Occupiers of any Watercourse or Watercourses, Ditch or Ditches, within the said District of Road, shall neglect or refuse to scour or cleanse such Watercourse or Watercourses, or to make any Ditch or Ditches, in such Manner as such Surveyor or Surveyors shall adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors respectively, or such Person or Persons as shall be appointed by him or them, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to employ any Person or Persons to scour, cleanse, repair, and make the same respectively, and by Warrant from any Justice of the Peace to levy the Charges thereof, to be settled by such Justice, upon the Goods and Chattels of such Owner or Owners, Occupier or Occupiers, making Default as aforesaid, by Distress and Sale of his, her, and their Goods and Chattels, rendering the Overplus (if any be) to such Owner or Owners, Occupier or Occupiers, after all Charges are paid and satisfied.

Power to pull down some Cottages in Chatburne

XXVIII. And be it further enacted, That in case the said Trustees, or any Five or more of them, shall think proper to widen the said Road, by passing through Part of a Fold or Dunghill Stead within *Chatburne*, belonging to *John Birch*, and in the Occupation of the said *John Birch*; and also Part of a Garden within *Chatburne* belonging to *Robert Shiers*, and in the Occupation of *Thomas Taylor*; Part of another Garden, and Coal House or Shed, within *Chatburne* aforesaid, belonging to *John Baldwin*, and in the Occupation of *John Hartley*; Part of an Orchard, and Hut or Shed, within *Chatburne*, belonging to the said *Robert Shiers*, and

and in the Occupation of *John VEVERS*; Part of another Orchard within *Chatburne*, belonging to *Wright* Esquire, and in the Occupation of *William VEVERS*; Part of another Orchard within *Chatburne*, belonging to *Ellis Kay*, and in the Occupation of *John Ellal*; and Part of another Orchard within *Chatburne*, belonging to *Thomas Grimshaw*, and in the Occupation of *Richard Wilson*, it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of and Persons interested in or entitled unto the several Buildings, Orchards, Gardens, Hereditaments, and Premises before mentioned and described, for the Purchase thereof, and of the Scites of the said Buildings, or of so much thereof as the said Trustees, or any Five or more of them, shall think necessary, so as to make the Road of any Width they shall think proper, not exceeding Twelve Yards, and out of the Monies to arise by virtue of this Act to pay for such Buildings, Orchards, Gardens, Hereditaments, and Premises, or so much thereof as shall be necessary as aforesaid; and in case of any Refusal to treat, or any other Differences concerning the same between such Owners or Occupiers and the Trustees, such Matters shall be adjusted, settled, and determined, and such Recompence ascertained by a Jury, in such Manner, and under the same Rules and Orders as are herein-after prescribed for settling the Recompence for Damage on account of Land to be used for widening and altering the said Road.

XXIX. Provided always, and be it further enacted, That if any of the said Buildings or Premises, or any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, or the Owner or Owners thereof, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same were more particularly named or described.

Misnomers
not to retard
the Execution
of the Act.

XXX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person and Persons as shall be appointed by Order of the said Trustees, or any Five or more of them, to make or cause to be made by virtue of the Order of the said Trustees, Causeways, and to make and cut Drains through any Grounds lying contiguous to the said Road, and erect and keep in Repair Arches of Brick, Timber, or Stone thereon, and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, (not being at the Time of the passing of this Act, or within Twelve Months preceding the making of such Order aforesaid, a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, Pleasure Ground, or Lawn or Lawns, or Avenue to any House, or Plantation or Nursery for Trees), and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping the Road aforesaid in such Repair; and also to make or cause to be made a Road

Surveyors to
make Cause-
ways, &c.;

and tempo-
rary Roads;
or

or Way through, over, and along the Grounds adjoining on any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired; (not being a House or other Building, Garden, Orchard, Yard, Park, or planted Walk; or Avenue to a House, or Plantation or Nursery of Trees), to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, adjacent, narrow, or ruinous Road, is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass along the same, making such reasonable Satisfaction to the Owner or Occupier of such Ground so laid in or unto the Road, or through which any such Drain or Ditch shall be cut, or in which any Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along which any such Causeway or occasional or temporary Road shall be made, for the Damages which such Owner or Occupier respectively shall thereby sustain, as shall be assessed and adjudged (in case any Differences shall happen between such Owner or Occupier and the said Trustees, touching such Damages), by the major Part of the Justices of the Peace at their General Quarter Sessions of the Peace to be holden for the County or Riding wherein such Ground so laid into the said Road, or through which any such Drain or Ditch shall not be cut or made, or on or through which any such Arch or Bridge, Causeway or occasional Road shall be erected or made, shall lie.

making Satisfaction

Power to purchase Land, in order to widen or turn the Road.

XXXI. And be it further enacted by the Authority aforesaid, That in case the said Trustees for putting this Act in Execution, or any Nine or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, divert, turn, or alter the said Road, or any Part thereof, for the better Accommodation of Coaches, Carriages, and Passengers, that then the said Trustees, or any Nine or more of them, shall have full Power and Authority from Time to Time to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, and Persons interested, or any of them, shall or may anyways sustain by such diverting, widening, turning, or altering such Road, or any Part thereof; and out of the Tolls or other Monies to be raised by virtue of this Act, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

Bodies Politick empowered to agree with Trustees for Lands taken into the Road.

XXXII. And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others who are seized or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, for diverting, turning, widening, altering, or amending the same, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but are or may be incapable of selling, granting, and conveying the same, by reason of Infancy or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may

may be lawful to and for all Bodies Politick or Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on the Behalf of any Infant, Feme Covert, or Cestuique Truists, and for all and every other Person or Persons whatsoever who shall or may be seised, possessed, or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Feoffees to be indemnified.

XXXIII. And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, or any other Person or Persons interested in any Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said Road as aforesaid, or into which such Pathway or Road shall be turned or altered as aforesaid, shall, by the Space of Three Months after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands, Grounds, or Hereditaments so to be taken in and added, or into which such Pathway or Road shall be turned or altered do lie (which Oaths any Nine or more of such Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon the Account of the taking in of such Lands, Grounds, or Hereditaments into the said Road, or of turning such Pathway or Road into the same; and in order thereto the said Trustees, or any Seven or more of them, are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, which Oath any Nine or more of such Trustees are hereby empowered and directed to administer; and they shall also order and cause the said Jury to view the said Places in question if there be Occasion, and use all such lawful Ways and Means, as well for their own as for the said Jury's better Information of the Premises, as they the said Trustees, or any Nine or more of them, shall think fit; and after the

What shall be done where Persons neglect or refuse to treat.

[Loc. & Per.]

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said

said Jury shall so have enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, and binding and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Person or Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby empowered to issue out their Warrant or Warrants, Precept or Precepts, to the Sheriffs of the Counties of *York* or *Lancaster*; (as the Case shall be), thereby commanding and requiring them, or either of them, to impanel, summon, and return an indifferent Jury of Twenty-four Persons or more, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be appointed; and the said Sheriffs, and either of them respectively, and their Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Nine or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriffs, or their Deputy or Deputies, shall return other honest and indifferent Men, Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve.

Persons concerned may have their Challenges.

Trustees to levy Fines on Persons misbehaving.

XXXIV. Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall from Time to Time have their lawful Challenges against any of the Jurymen when they come to be sworn; and the said Trustees, or any Nine or more of them, acting in the Premises, shall have full Power from Time to Time to impose any reasonable Fine on such Sheriffs, their Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from Time to Time to levy such Fine or Fines in such Manner as any Fine or Penalty is by this present Act to be levied, so as no such
Fine

Fine exceed the Sum of Five Pounds on any One Person for any One Offence.

XXXV. And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money, Considerations, Recompence, or Satisfaction to be agreed for, ascertained, and assessed as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised or borrowed by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the Time being of the respective Trustees for the Use of such Persons, and after One Month's Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Nine of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, and Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and the Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, in such Manner as the said Trustees, or any Nine or more of them, shall order and direct, and shall be by them, or by such Person or Persons as they, or any Nine or more of them, shall respectively appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments shall, to all Intents and Purposes whatsoever, become and be, and shall be deemed and taken to be, a publick Highway Road for ever after, and shall be repaired and kept in Repair by such Ways and Means, and in all Respects in such Manner as the old Way or Ways so widened, altered, or turned, was and were, and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, in lieu whereof the Lands, Grounds, or Hereditaments, for such new Road shall be purchased as aforesaid, shall be vested in, and shall and may be sold by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same, and the Money to arise by such Sale shall be applied and disposed of for the repairing and amending the said Road wherein such Lands or Grounds shall lie; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds constituting such old or former Roads, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the County or Riding wherein such Lands or Grounds constituting such old Inclosures lie, shall be good and effectual in the Law to all Intents and Purposes.

Consideration Money how to be paid.

After Tender made to Persons refusing to agree, the Trustees may proceed to take in the necessary Lands and Grounds.

Lands taken to be Part of the Road.

Old Road to be sold.

XXXVI. Provided always, and be it further enacted, That the Power and Authority given to the said Trustees as aforesaid, shall not extend, without

Not to pull down any Houfe, &c. save as aforesaid.

without the Consent of the Owner thereof respectively first had and obtained for that Purpose, to the pulling down any Dwelling House, Barn, Stable, or Outhousing, or taking, using, or interfering with any Dwelling House, Barn, Stable, or Outhousing, Garden, Orchard, Yard, Court, Park, Paddock, planted Walk or Walks, Pleasure Ground, Lawn or Lawns, or Avenue to any House or Plantation, or Nursery for Trees, having been such at the Time of passing of this Act, or for Twelve Months preceding an Application to be made by the Trustees to such Owner for that Purpose, except for improving and altering the said Road, as is herein-before allowed and directed in the Village of *Chatburne*.

A new Road being made, the old one need not be repaired, unless it leads to some other Place.

XXXVII. Provided also, That in case the ancient or former Way shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, to which the new Road shall not lead.

Money paid for Settled Estates to be re-invested in Land.

XXXVIII. And be it further enacted, That every Sum and Sums of Money amounting to Twenty Pounds and upwards, to be paid in the Gross for the Purchase of any Messuages, Buildings, Lands, or Hereditaments, of or belonging to any Corporation, Feme Covert, Infant, Lunatick, Trustees, or Persons under any legal Disability or Incapacity, which shall be purchased or taken for the Purposes of this Act, shall with all convenient Speed be laid out in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, Limitations, and Contingencies, as the said Hereditaments; for or in respect of which such Monies shall be so payable, were respectively settled, limited, and assured, at the Time of purchasing or taking the same Hereditaments, or such of them as shall then be existing or capable of taking Effect; and all such Sum and Sums of Money, not being less than One hundred Pounds Sterling, shall in the mean Time until such Purchase shall be made, 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, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twenty-fourth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy Bills, or Victualling Bills, or Exchequer Bills, and the Interest arising from the Money so laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy Bills, Victualling Bills, or Exchequer Bills; all which said Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved by the said Court, and until the same shall, upon a Petition to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of the Hereditaments to be purchased therewith, if the same were actually purchased and settled, be

ordered to be sold by the said Accountant General for completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Victualling, Navy, or Exchequer Bills, and the Interest thereof, in pursuance of the Direction of this Act, as the said Court shall think fit; and all such Sum and Sums of Money as aforesaid, being less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, shall in the mean Time and until such Purchase shall be made, be paid to Two or more Persons to be nominated by the Party or Parties interested and approved of by the said Trustees, or any Seven or more of them, in Trust, to be laid out in the joint Names of the Persons so to be nominated and approved as aforesaid, in some of the Publick Funds, or on Government or Real Securities, at Interest, and the Dividends or Interest arising from such Funds or Securities, shall be paid to or received by the Person or Persons to whom the Rents and Profits of the Lands or Hereditaments, from the Sale of which such Monies shall be produced respectively, would for the Time being have belonged, in case such Sale had not been made; and every such Sum or Sums of Money to be paid for any such Hereditaments as aforesaid, which shall be less than the Sum of Twenty Pounds, shall be paid to the Party or Parties interested.

XXXIX. Provided, That all and every Person and Persons who now is or are, or shall at any Time during the Continuance of this Act, be liable to do Statute Work on the Road hereby intended to be repaired, or any Part thereof, shall still remain chargeable as he, she, or they respectively was or were before the passing this Act.

Persons liable to do Statute Duty to continue so.

XL. And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the several Townships or Places, or the Inhabitants of such Townships or Places through which the Road hereby intended to be repaired does lead, touching the Statute Work which the Inhabitants of each Township or Place ought to do on the Road by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Five or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the respective Surveyor or Surveyors, to adjudge and determine what Part and Proportion of the Statute Work shall be done in the said Road by each or any of the Townships or Hamlets in which the said Road hereby directed to be amended does respectively lie, so as the same does not yearly exceed Two Days of that Work which such Inhabitants are obliged yearly to do at their Highways; which Statute Work shall be done by such of the Persons as shall be appointed to do the same, on such several Days, and at such several Times, and in such Parts of the said Road, as the Trustees, or any Five or more of them, shall from Time to Time direct and appoint.

Trustees may appoint Statute Work, and settle Differences relating thereto.

Two Days Statute Work only in the Year.

XLI. And, for the better knowing and ascertaining what Persons ought or are liable to do the said Statute Work, and in what Proportion; be it further enacted by the Authority aforesaid, That the several Surveyor or Surveyors of the Highways of and for the respective Townships

Surveyors of Highways to give Lists of Persons liable to do Statute Work.

[Loc. & Per.]

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ships

ships or Places wherein the said Road lies; and in case no Surveyor shall be appointed for any such Township or Hamlet, then the Overseer or Overseers of the Poor thereof shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made by the Turnpike Surveyor or Surveyors respectively, give and deliver to such Turnpike Surveyor or Surveyors respectively, an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of the several Persons who within such Townships or Hamlets respectively are obliged by Law to do the Statute Work for that Year with Teams or Draughts, or otherwise, and also the Number of Days Work which each Person ought to do with such Teams or Draughts, or otherwise; and the Surveyor or Surveyors for such Townships or Hamlets respectively, shall, within Ten Days after Notice given to him or them by the said Turnpike Surveyor or Surveyors respectively, of the Time or Times when, and how many of the Persons chargeable therewith as aforesaid, he or they would have to do such their respective Statute or Days Work in or upon any Part or Parts of the said Road hereby directed to be repaired respectively, summon or give publick Notice thereof to the Person or Persons liable to do the same as aforesaid; and if any of the said Surveyors or Overseers of the said Townships or Hamlets, shall refuse or neglect to deliver in such List or Lists, or to give such Notice as aforesaid, every such Surveyor or Overseer shall forfeit, for every such Refusal or Neglect, the Sum of Five Pounds, to be recovered and levied in the same Manner as the other Forfeitures and Penalties herein mentioned are directed to be recovered and levied; and if any Person or Persons shall neglect or refuse to do such Statute Work so allotted, appointed, and ordered to be done as aforesaid, every such Person or Persons, for every Day he, she, or they shall make Default, shall forfeit and pay the several Sums herein-after mentioned; (that is to say), for every Cart or other Carriage drawn by One Horse, Three Shillings and Sixpence; drawn by Two Horses, Five Shillings and Sixpence; and by Three Horses, Seven Shillings and Sixpence; and every Householder and Person liable to do Statute Work making Default, shall forfeit and pay the Sum of Two Shillings and Sixpence for each Day's Default; and if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors is and are hereby empowered to remove and turn off such Person or Persons, who shall in that Case be subject or liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they had neglected or refused to come, or such Team or Draught had not been sent to work on such Road; all which said Forfeitures and Penalties shall be recovered and levied in the same Manner as the other Forfeitures and Penalties herein mentioned are directed to be recovered and levied.

Penalty on Surveyor's Neglect.

Penalty on Persons neglecting to perform Statute Work.

Persons liable to repair *ratione tenuræ*, to continue so.

XLII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, or Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they or any of them respectively have been accustomed,

customed, or of Right ought to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any ancient Usage or Custom, but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from Time to Time and at all Times hereafter shall be maintained, amended, and kept in Repair by such County, Riding, Place, Body Politick, Corporation Aggregate or Sole, or private Person or Persons, as heretofore the same respectively have been or ought of Right, or by any ancient Usage or Custom, to have been amended, maintained, and kept in Repair; any Thing herein contained to the contrary notwithstanding.

XLIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Time during the Continuance of this Act, at any of their publick Meetings, to compound and agree with any County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town, Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons liable to or chargeable with the Repair or Maintenance of any Part of the said Road, or of any Bridge, Causeway, Drain, or Sewer, lying within any Part of the said Road, to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or any ancient Usage or Custom, or with the Surveyor or Surveyors of the Highways of any of the Parishes, Townships, or Places to which the said Road belongs, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to, or chargeable with the Repair of any Part of the said Road, by virtue of any Statute or otherwise, for a Sum of Money certain, to be paid Quarterly or otherwise, in lieu of such particular Work or Repairs so on them respectively chargeable by reason of such their Tenure, or by virtue of any Statute, Custom, ancient Usage, or otherwise howsoever.

Trustees may compound with Persons liable to repair *ratione tenurae*, or for Statute Work.

XLIV. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at any of their publick Meetings, may and they are hereby empowered from Time to Time, as they shall see convenient or think fit, to compound or agree, for any Time not exceeding One Year, with any Person or Persons using or travelling through the Turnpike or Turnpikes to be erected or continued by virtue of this Act, with any Coach, Chariot, Landau, Berlin, Chaise, Chair, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, or with any Horse, Mare, Gelding, Ass, or Mule, for any Sum or Sums of Money to be paid Quarterly from Time to Time after such Agreement shall be made: Provided also, That all Compositions and Agreements to be made by virtue of this Act, shall be entered at Length in the Book or Books to be kept by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, for entering their Orders and other Proceedings.

May compound with Travellers.

Compositions to be entered in a Book.

XLV. And, for the better Recovery of such Sum or Sums of Money as shall be agreed to be paid by any Person or Persons, for or in lieu of the said Statute or other Work, or for passing through all or any of the said Turnpikes; be it further enacted by the Authority aforesaid, That in case any Composition so agreed to be paid shall not be paid to

Method of recovering Composition Money.

the said Trustees; or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same, within Ten Days after the same shall be due, and shall be lawfully demanded, it shall and may be lawful to and for the said Trustees, or any Five or more of them, upon Oath made before any Five or more of them of such Default of Payment, (which Oath any Five or more of them are hereby empowered to administer), to issue a Warrant under their Hands and Seals, empowering such Person or Persons so by the said respective Trustees, or any Five or more of them, appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of such Person or Persons as hath or have, or shall make such Composition for passing through all or any of the said Turnpikes as aforesaid, or of any Person or Persons who shall compound for or in respect of the said Statute or Days Work, or of the Surveyor or Surveyors of the Highways of such Township or Hamlet for and in respect of which such Composition was made, or of the Person or Persons so having compounded for such Repairs to be done by reason of Tenure, Usage, or Custom, and the Goods and Chattels so distrained, after the Space of Five Days, (such Composition, and the reasonable Charges of levying and keeping the said Goods and Chattels not being paid), to sell, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after such Composition Money, and the reasonable Charges, to be settled by the said Trustees, or any Five or more of them, of levying, keeping, and selling, shall be deducted, which Money so paid or levied shall go and be applied towards amending the said Road, and to no other Use or Purpose whatsoever.

If Township Surveyor pay the Composition Money, or it be recovered of him, how he is to be reimbursed.

XLVI. Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Surveyor of the Highways of such Parish, Township, Hamlet, or Place, for the Statute or Days Work whereof such Composition shall be made as aforesaid, shall pay the Composition Money, or if such Composition Money shall be levied on him in Manner herein-before directed, then and in either of the said Cases, such Surveyor shall be reimbursed the Composition Money so paid by or recovered of him as aforesaid, together with the Costs and Charges of levying the same, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways.

Payment of Subscriptions.

XLVII. And be it further enacted, That the several Persons who have subscribed, or who shall or may subscribe Money for and towards making and repairing, widening, diverting, or turning the said Road, or any Part thereof, shall, and they are hereby required to pay the Sum or Sums of Money by them subscribed or to be subscribed, or such Parts and Proportions thereof, within such Time or Times as the said Trustees, or any Seven or more of them, shall order and direct, and unto such Person or Persons as they, or any Seven or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons who have subscribed, or who shall or may subscribe Money as aforesaid for the Purposes of this Act, shall neglect or refuse to pay the same, or such Parts and Proportions thereof as aforesaid, it shall and may be lawful for the said Trustees, or any Seven or more of them, to sue for and recover the same, either in their own Names, or in the Name
of

of their Clerk and Treasurer, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

XLVIII. And be it enacted by the Authority aforesaid, That the Tolls by this Act granted and made payable, shall, and are hereby declared to be a Security for all Money borrowed, or which hereafter may or shall be borrowed for the Use of the said Road, upon the Securities of the Trustees, or upon the Credit of the Tolls authorized to be collected upon the said Road by virtue of the said recited Acts, and for all Interest due and to grow due for the same, and shall be subject and liable to the Payment thereof; and that until such Money shall be fully paid off and discharged, the several Assignments or Mortgages made for the Security thereof by virtue of the said Acts, or either of them, shall be deemed and taken to be Assignments or Mortgages of the Tolls by this Act granted, and shall be and continue in full Force and Effect during the Continuance of this Act, unless the Money thereby secured, and the Interest, shall be sooner paid off and discharged.

Tolls to be a Security for the Money borrowed.

XLIX. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby empowered from Time to Time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls arising upon or within the said Road by virtue of this Act, (the Costs and Charges of assigning the same to be paid by and out of such Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, for that Purpose, such Sum or Sums not exceeding in the Whole Four thousand Pounds, in Addition to the present Debt, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest as shall be agreed upon; not exceeding Five Pounds for every One hundred Pounds for One Year, which said Money so to be borrowed, shall be applied and disposed of as in this Act is directed, and to no other Use or Purpose; and such Assignments shall be according to the Form following:

Money to be borrowed on the Credit of the Tolls.

BY virtue of an Act, made in the Thirty-ninth Year of the Reign of His Majesty King George the Third, intituled; [*insert the Title of the Act*], We, _____ of the Trustees for carrying the said Act into Execution, in Consideration of the Sum of _____ to the Treasurer of the said Road, in Hand, paid by *A. B.* of _____ do hereby grant, bargain, sell, and demise; unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act; and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit thereof, to be had and holden from the _____ Day of _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ for One hundred Pounds for a Year, shall be sooner repaid and satisfied. Witness our Hands, this _____ Day of _____

[*Loc. & Per.*]

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And

And Copies of all such Mortgages or Assignments shall be entered in the Book kept by the Clerk or Treasurer for entering the Rules and Orders made by the said Trustees; and all Mortgages or Assignments which shall be made in the Form and Manner aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes.

Mortgages
may be trans-
ferred.

L. And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money by any Person or Persons whomsoever lent and advanced on the Credit of the Tolls arising, or which shall or may arise upon the said Road, and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by proper Words of Assignment, assign or transfer his, her, and their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever, in or by the following Words, or Words to the like Effect:

‘ I *A. B.* of _____ or *I C. D.* of _____ Executor or
 ‘ Administrator of *A. B.* late of _____ [or otherwise as the Case
 ‘ may happen to be] in Consideration of the Sum of _____
 ‘ to me paid by *E. F.* of _____ do hereby assign and transfer
 ‘ unto the said *E. F.* his Executors, Administrators, and Assigns, a cer-
 ‘ tain Mortgage or Security, bearing Date the _____ Day of
 ‘ _____ in the Year of our Lord _____ under the Hands
 ‘ and Seals of _____ of the Trustees for putting in Execution
 ‘ an Act of Parliament, passed in the Thirty-ninth Year of the Reign
 ‘ of His Majesty King *George* the Third, intituled, [*Here set forth the*
 ‘ *Title of the Act*], with all my Right and Title to the Principal Sum
 ‘ of _____ thereby secured, and all Interest now
 ‘ due and hereafter to grow due thereon. Dated this
 ‘ Day of _____ in the Year of our Lord
 ‘ Witness, *E. F.*’

Which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer within Fourteen Days after the Date thereof, who shall cause an Entry or Memorandum to be made of such Assignment or Transfer, containing the Date, Parties Names, and Sums of Money therein mentioned to be transferred, in the Book kept by such Clerk or Treasurer for entering the Rules and Orders made by the said Trustees, for which the Clerk and Treasurer shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made, such Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment of the Money thereon; and such Assignee may in like Manner assign, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall make such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Parts thereof; and the like Transfer may be made of any subsisting Securities for Money already advanced upon the said Tolls arising upon the said Road, (subject to an Entry of the Memorial thereof in the said Book of Orders as aforesaid), by any Person or Persons now possessed, or who shall or may be possessed thereof; and the Party to whom the same shall be so assigned or transferred,

ferred, shall be entitled to the Money due thereon, and the Interest thereof then due, according to the aforesaid Rate granted by this Act, and all future Interest to grow due; and the Party or Parties transferring the same shall not have it in his, her, or their Power to discharge or release the same; or any Part thereof.

LI. Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, with the Consent of Two Thirds of the Creditors in Value, and which shall remain unpaid, are hereby authorized and empowered from Time to Time, in case it shall appear to be requisite and expedient, to lessen the several Tolls hereby granted and made payable, and to order and direct such Tolls so lessened and reduced, from thenceforth to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, any Thing herein contained to the contrary notwithstanding; and that if at any Time after such Reduction or lessening of the Tolls aforesaid, the Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act, that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to advance and raise the Tolls, or any of them, to the Sum or Sums herein-before by this Act directed to be taken and paid; any Thing herein contained to the contrary notwithstanding.

Trustees, with Consent of Creditors, may lessen the Tolls;

and may in like Manner raise them again.

LII. And be it enacted by the Authority aforesaid, That all Leases or Demises to be made of the Tolls hereby granted in pursuance of this Act, and all Orders and Proceedings of the said Trustees, shall be entered in Books to be kept for that Purpose, and such Orders and Proceedings when entered shall be signed by the Trustees, or any Five or more of them, or by their Clerk; and the said Orders and Proceedings so signed shall be deemed and taken to be original Orders and Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any Thing done in pursuance of the Authority of this Act.

Leases and Orders to be entered in a Book.

LIII. Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters in this Act contained, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or for the County Palatine of *Lancaster*; and that 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 Person or Persons making the same be a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall be Trespasser or Trespassers, *ab initio*, on Account of the Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case; provided, that no Action or Suit shall be commenced against any Person or Persons for

Proceedings not to be quashed for Want of Form.

any

any Thing to be done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Three Months next after the Fact committed; and every such Action shall be laid in the County where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act, and the special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Actions after the Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case.

Order to be made by a Majority of Trustees.

LIV. Provided also, and it is hereby further enacted and declared, That no Act, Order, or Determination, shall be done or made at any Meeting or Meetings of the said Trustees, without the Consent of a Majority of the Trustees present at such Meeting or Meetings, that are disinterested in the Matter or Matters in Question.

No Orders to be repealed without 20 Days Notice.

LV. Provided also, and be it further enacted by the Authority aforesaid, That no Order made by the said Trustees in, for, or concerning the Execution of the Trusts, Powers, and Authorities of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Notice of the Intention to revoke, repeal, or set aside such Order, be by the Direction of the Trustees, or any Seven or more of them, made in Writing under the Hand of the Clerk upon all the Turnpike Gates within the said Road, at least Twenty Days before the Time for repealing such Order.

How Penalties, Forfeitures, and Fines, are to be recovered and applied.

LVI. And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines, by this Act imposed or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise directed), shall, upon Proof of the Offences and Conviction of the Offenders respectively, before any One or more Justice or Justices of the Peace for the County, Riding, or Place, wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant, and to administer such Oath), and the Overplus, after such Penalties, Forfeitures, or Fines, and the Charges

Charges of such Distress and Sale are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, (if not otherwise directed by this Act), shall be paid to the said Trustees or their Treasurer, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Riding, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LVII. Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think himself, herself, or themselves, aggrieved by any Penalties or Forfeitures incurred or imposed by virtue of this Act, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their General Quarter Sessions of the Peace for the County or Riding wherein the Fact touching which such Penalties or Forfeitures are incurred or imposed shall be committed, next and immediately after such Person or Persons are aggrieved, (unless such Aggrievance shall happen within Fourteen Days preceding such next Quarter Sessions, in which Case such Appeal shall be brought at the Second Quarter Sessions then next after), who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaints of any Person or Persons so aggrieved, and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any 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 to levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same, and for Want of such sufficient Distress to commit the Party to the Common Gaol of the County or Riding where the Appeal shall have been heard and determined, for any Time not exceeding Three Calendar Months, or until Payment of such Costs; but the Person or Persons so appealing as aforesaid shall, and he or they is and are hereby directed to give Notice in Writing to the Clerk to the said Trustees of such his or their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions, and shall, before such Notice given, enter into a Recognizance, before One or more Justice or Justices of the Peace for the County or Riding where the Appeal shall be brought, with Two sufficient Sureties, in the Sum of Twenty Pounds, with a Condition to prosecute such Appeal, and pay all Costs in case such Appeal be determined against the Party or Parties so appealing.

Appeal to
Quarter
Sessions.

LVIII. And be it further enacted by the Authority aforesaid, That the said Road to which this Act relates shall be deemed and taken to be
[Loc. & Per.] 8 8 a Turn-

For extending
the Powers of
the General
Turnpike Act
to this Act.

a Turnpike Road within the true Intent and Meaning of an Act of Parliament made in the Thirteenth Year of the Reign of His Majesty King George the Third, intituled, *An Act to amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England; and for other Purposes*; and of the several Acts made for the Purpose of explaining, amending, or repealing the same, or some Part or Parts thereof; and that all and every Clause and Provision contained in the said Act of the Thirteenth Year of His present Majesty, subject to the Provisions of the said other Acts and of this present Act, shall be in full Force in regard to the said Road to which this Act relates, during the Continuance of this present Act, as fully and effectually, to all Intents and Purposes, as if this present Act had been made and passed in the said Act of the Thirteenth Year of His present Majesty's Reign.

Commence-
ment and
Continuance
of the Act.

Publick Act.

LIX. And be it further enacted, That this Act shall commence upon and have Continuance from the Twenty-fourth Day of *June* One thousand seven hundred and ninety-nine, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

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