



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 13.

An Act for making and maintaining a Road from the Town of *Huddersfield*, in the West Riding of the County of *York*, to a Place called *New Hey*, in the Parish of *Rochdale*, in the County Palatine of *Lancaster*; and for making and maintaining certain Branches of Road to communicate therewith.

[31st March 1806.]

WHEREAS the making and maintaining of a Turnpike Road from the Market Town of *Huddersfield*, in the West Riding of the County of *York*, through the several Townships, Hamlets, or Places called *Huddersfield*, *Marsh*, *Lindley*, otherwise *Nether Lindley cum Quarmby*, *Longwood*, *Stainland*, *Scammonden*, *Slaighthwaite*, *Marsden in Huddersfield*, and *Fryer Meer*, in the West Riding of the County of *York*, and the Township of *Butterworth*, in the County Palatine of *Lancaster*, to a Place called *New Hey* near to *Milnrow* in the Township of *Butterworth*, aforesaid; and a Branch out of and from the said intended Road, at or near a Hamlet or Place called *Outlane*, in the Township of *Stainland*, in the Parish of *Halifax*, in the said West Riding of the County of *York*, to communicate with the Turnpike Road leading from *Leeds* to *Elland*, at the Bottom of *Toothill-Lane*, in the Township of *Rastrick*, in the Parish of *Halifax* aforesaid, through the several Townships of *Stainland*, *Longwood*, *Old Lindley*, otherwise *Upper Lindley*, *Lindley*, otherwise *Nether Lindley cum Quarmby*, *Elland cum Greetland*, *Fixby* and *Rastrick*; and another Branch out of and from the said intended Road, at or near a Place called *Ogden Edge*, in the Township of *Butterworth* aforesaid, to communicate with the intended Road from *Delph* to *Denshaw*

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shaw Culvert, in the Parish of *Saddleshorth* in the said West Riding of the County of *York*, through the Township of *Butterworth* aforesaid and the said Parish of *Saddleshorth*, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much shorter and better Communication than there is at present between the Towns of *Huddersfield* and *Rochdale*, and also between the Towns of *Manchester* and *Leeds*, and between various other Parts of the Country, and would also be of great public Utility; but the same cannot be effected without the Aid and Authority 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 Sir *George Armitage* Baronet, *George Armitage*, *Joseph Armitage*, *Jesse Ainsworth*, *David Ainsworth*, *William Alexander* Doctor of Physick, *Disney Alexander* Doctor of Physick, *Robert Alexander*, *Gervase Alexander*, *Lewis Alexander*, *James Avison*, *William Avison*, *Philip Ashworth*, *Thomas Allan*, *Jonas Ainley*, *Law Atkinson*, *Joseph Atkinson* the younger, *Thomas Atkinson*, *John Armitage*, *William Armitage*, *Richard Henry Beaumont*, *George Barnard*, *Robert Beswick*, *James Barnet*, *John Blackburn*, *Thomas Bosthroyd*, *Joseph Butterworth*, *James Butterworth*, *John Bramley*, *Thomas Burton* Clerk, *Nicholas Brown*, *James Buckley* of New Barn, *John Buckley*, *James Buckley* Clerk, *James Buckley* of Green Field, *James Buckley* of Delph, *William Bagnold*, *Joseph Brocke*, *Richard Battye*, *William Bottomley*, *Lancelot Bellas*, *John Booth*, *John Brooke*, *John Broadbent*, *John Buckley* of Upper Mill, *Henry William Coulthurst* Doctor in Divinity, *John Clay*, *John Cartledge*, *Thomas Clegg*, *James Crossley*, *James Cartledge*, *Joseph Cartledge*, *William Clegg*, *Edward Clegg*, *Charles Cartledge*, *Joshua Crossland*, *Thomas Drake* Doctor in Divinity, *John Dyson* of Rastrick. *John Dyson* of Clayhouse, *Thomas Dyson*, *Scipio Dyson*, *Joseph Dowse*, *Robert Dowse*, *Samuel Dyson*, *William Dyson*, *John Dodson*, *John Dunkerley*, *William Earnshaw*, *Edmund Eastwood*, *Joseph Emmet*, *William Emmet*, *Joseph Fryer*, *Thomas Fryer*, *Thomas Falcon* Clerk, *John Falcon*, *Josiah Firth*, *Robert Firth*, *Thomas Firth* of Lindley, *Thomas Firth* of Firth House, *John Fryer*, *Stephen Fawcett*, *Thomas Fawcett*, *Joseph Fryer* the younger, *William Fryer*, *William Fenton*, *John Goldthorpe* the younger, *Richard Gartside*, *James Gartside*, *John Gartside*, *William Greenwood*, *Ellis Laconby Hoagson*, *Thomas Horton*, *John Harrop* the younger, *Thomas Harrop*, *William Holland*, *William Ho't*, *William Haigh*, *Richard Hudson* Master of Arts, *Charles Hudson*, *William Hirst*, *James Harrop* of Holmfirth, *James Harrop* of Tame Water, *James Hoyle* of Royd, *Thomas Holroyd*, *John Hirst*, *Joseph Haigh*, *Joseph Hall*, *Thomas Helme*, *Benjamin Haigh*, *Thomas Haigh*, *James Hall*, *William Horsfall* of Marsden, *William Holroyd*, *James Iredale*, *Benjamin Ingham*, *Joshua Ingham*, *Joshua Ingham* the younger, *Joseph Jackson*, *John Smith Jackson*, *James Ingham*, *William Kershaw*, *John Lister Kaye*, *Fenton Lambert*, *John Lancaster*, *James Lees*, *Joseph Lees*, *John Lees*, *Daniel Lees*, *James Milnes* of Denshaw, *James Milnes* of Park, *James Milnes* of Heyhouse, *William Mann*, *James Micklethwaite*, *John Micklethwaite*, *James Marsden*, *John Marsden*, *James Midwood*, *Thomas Marshall*, *Benjamin Outram*, *Benjamin Outram* the younger, *William Percival Pickford*, *Charles Pickford*, *Joseph Priestley*, *Benjamin Pinder*, *George Peel*, *Solomon Pitchforth*, *Charles Pitchforth*, *Sir John Ramsden* Baronet, *Joseph Radcliffe*, *John Radcliffe*, *Joshua Radcliffe*, *John*

Trustees.

Roberts, Daniel Rusbförth, Joseph Rusbförth, Edmund Rhodes, Atherton Rawstone, the Honourable Richard Lumley Savile, Michael Stocks, Cookson Stephenson, Charles Smith, William Sykes of Quarmby, John Scholfield, Joseph Scott, Thomas Smith, Edmund Stock, James Smith, Edmund Shaw, James Shaw, John Scholfield, Gervase Charles Seaton, Henry Stables, William Sykes of Millrow, Thomas Thornton, Thomas Thornhill, John Taylor, James Taylor, James Joseph Haigh Taylor, Samuel Taylor, Solomon Thwaite, John Thwaite, Benjamin Taylor, Joseph Thornton, John Varley, Thomas Varley, John Walker, William Waterhouse, Samuel Waterhouse of Lindley, Samuel Waterhouse of Halifax, John Waterhouse of Halifax, John Walmsley, John Waterhouse of Lindley, James Whitworth, William Walker of Crownest, John Walker of Cliffhill, John Walker of Deanhead, John Whittaker, William Walker of Huddersfield, John Wilson, Samuel Wood, Abraham Woodhead, James West Clerk, George Worthington, Isaac Worthington, Hugo Worthington, William Whitehead, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing, and improving the said Road and Branches, and for otherwise putting this Act in Execution.

II. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Road and Branches, and also by inserting the same in some public Newspaper printed or circulated in the Neighbourhood through which the said Road and Branches pass, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen.

On the Death of Trustees, others to be chosen.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a personal Estate of One thousand Pounds, nor (except in administering the Oath hereinafter mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath in the Words or to the Effect following; that is to say,

Qualification of Trustees.

‘ I *A. B.* do swear, That I truly and *bonâ fide* am in my own Right [or, in the Right of my Wife] in the actual Possession [or, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, [or, am Heir Apparent of a Person seized of such an Estate, of the clear yearly Value of

Oath.

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One hundred Pounds, or, possessed of a Personal Estate of the Amount of One thousand Pounds] and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee by virtue of an Act, passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled, [*here insert the Title of this Act*] according to the best of my Skill and Judgement, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

So help me GOD.

Penalty on Persons acting, not being qualified.

And if any Person not being so qualified shall presume to act as such Trustee, contrary to the Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas held in and for the said County Palatine of *Lancaster*, by Action of Debt, or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlanche shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act.

Trustees holding Places of Profit, not to act.

Mortgagee may act.

IV. Provided always, and be it further enacted, That any Mortgagee, or Assignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified or be defeated from acting as a Trustee in the Execution of this Act; provided also, that all such Trustees as are Justices of the Peace for the said West Riding of the County of *York*, or for the said County Palatine of *Lancaster*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees, being Justices may act as such.

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

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action: Provided always, that every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings he

Clerks to be reimbursed their Expences.

or

or they shall pay, bear, expend, or be put unto, or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *Rose and Crown Inn*, in *Huddersfield* aforesaid, on the Second *Wednesday* next after the Day on which this Act shall receive the Royal Assent, or as soon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves, and from Time to Time afterwards meet at and again adjourn to such Place near to the said Road and Branches as they the said Trustees or any Five or more of them shall think proper; and if at any such Meeting there shall not appear a sufficient Number of Trustees to act or adjourn to another Day (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time in either of such Cases, by Notice in Writing, to be affixed and inserted in Manner aforesaid, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was appointed to have been held, on such Days as shall be specified in such Notice, not exceeding Six Weeks nor less than Three Weeks next after the Day on which such last Meeting was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of any such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House at *Huddersfield* or *Rochdale*, or within One Mile of the Line of the said Road, or of the said Branches, or some of them, upon that Day Fortnight next after the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment shall be made to, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, or unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk or Clerks, or to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any Meeting.

Time of Meeting.

Clerks to call Meetings in case of sufficient Number of Trustees do not attend, or omit to adjourn.

If Clerks omit to give Notice Trustees may.

Hours of Meeting.

Trustees to pay their own Expences, make Orders, &c.

Orders not be revoked, unless Nine Trustees present, or Notice given.

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VII. And

Meetings on
Emergencies.

VII. And be it further enacted, That if after Adjournment of any Meeting of the said Trustees it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing, signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Trustees to ap-
point Officers.

VIII, And be it further enacted, That the said Trustees or any Five or more of them shall and may at their First or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices as the said Trustees or any Five or more of them shall think fit; and shall also elect and appoint a Surveyor or Surveyors, and such other Officers, as the said Trustees or any Five or more of them shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees or any Five or more of them shall see Occasion, and appoint others in the room of such of them as shall be so removed, or shall die, resign, or become incapable of performing their Duty; and the said Trustees or any Five or more of them shall and may out of the Money to be raised and received by virtue of this Act, give such Salaries, or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons, who shall be assisting in and about the Execution of this Act, as to them the said Trustees or any Five or more of them shall seem proper; and all such Officers and other Persons shall, upon their respective Oaths, if thereunto required by the said Trustees or any Five or more of them (which Oaths the said Trustees or any One or more of them are and is hereby empowered to administer) from Time to Time and as often as they shall be called upon for that Purpose, produce and give up to such Trustees, full, true, and perfect Accounts in Writing under their respective Hands, of all such Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied; together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees or any Five or more of them, or to such Person or Persons, or for such Uses and Purposes, as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect to render and give up, or verify upon Oath, such Account or Accounts as afore-said, or to produce and deliver up to the said Trustees or any Five or more

Officers to ac-
count.

Proceedings
against Offi-
cers refusing
to account or,
deliver Books,
&c.

more of them, the Receipts and Vouchers relating to the same; or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act; then and in any of the said Cases any One or more of the Justices of the Peace for the County, Riding, Town, or Place wherein such Officer or Person shall be and reside, shall (upon Complaint of any Five or more of the said Trustees) make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of One or more credible Witnesses 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 Officer or Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or other Person so convicted to the Common Gaol for such County, Riding, Town, or Place, there to remain without Bail or Mainprize, until such Officer or Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees or any Five or more of them for the same, and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers (which Composition the said Trustees or any Five or more of them are hereby empowered to make), or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees or any Five or more of them.

Trustees empowered to compound with Officers.

IX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or incapable of performing his Duty, or absconding or absenting himself, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls (to continue until the then next Meeting of the said Trustees) in the stead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife, or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll-House or Building to be erected or set up on the said Roads for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at any Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Riding, or Place, in which such Toll House or Building shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the same County, Riding, or Place with such Assistance as shall be necessary

Trustees may appoint temporary Collectors;

and remove those discharged.

Collectors refusing to deliver up Toll Houses.

Justices empowered to grant Warrant, and Constable to enter and remove such Collectors.

necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new-appointed Collector or Receiver into the Possession thereof.

Trustees may
erect Toll
Houses, &c.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll-Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Road and Branches, and across any Lane or Way leading into, from, or out of the same; and also a Toll-House to each Gate or Turnpike, with suitable Out-Buildings thereto; and also may inclose from the said Road and Branches convenient Garden Spots to the said Toll-Houses as they or any Five or more of them may judge proper, and may cause any such Turnpikes, Toll-Gates, Toll-Houses, or other Buildings, from Time to Time to be taken down, removed, or altered, as they or any Five or more of them shall judge proper; and that the Tolls following shall and may be demanded and taken, before any Horse, Cattle, or Carriage shall be permitted to pass through any such Turnpikes or Toll-Gates respectively (that is to say);

and take
Tolls.

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Hearse, or other such like Carriage with more than Two Wheels, drawn by Six Horses or Beasts of Draught, the Sum of Eight Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Five Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by One Horse or Beast of Draught, the Sum of Two Shillings: For every Curricule, Chaise, Chair, Calash, Hearse, or other such like Carriage with Two Wheels, drawn by Two or more Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by One Horse or Beast of Draught, the Sum of Two Shillings:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Ten Shillings and Eight Pence; and drawn by Five or Six Horses or Beasts of Draught, the Sum of Eight Shillings; and drawn by Four or fewer than Four Horses or Beasts of Draught, the Sum of Six Shillings:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, drawn by Five or Six Horses or Beasts of Draught, the Sum of Ten Shillings; and drawn by Four or by fewer than Four Horses or Beasts of Draught, the Sum of Eight Shillings:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, and drawn by Five or Six Horses, the Sum of Twelve Shillings; and drawn by Four or by fewer Horses than Four, the Sum of Nine Shillings:

For every Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Five Horses or Beasts of Draught, the Sum of Six Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Five Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Three Shil-

Shillings; and drawn by One Horse or Beast of Draught, the Sum of Two Shillings:

For every Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, drawn by Four Horses or Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Five Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by One Horse or Beast of Draught, the Sum of Two Shillings:

For every Cart or other such like Two-wheeled Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, drawn by Three Horses or Beasts of Draught, the Sum of Six Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by One Horse or Beast of Draught, the Sum of Two Shillings:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Five Pence:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Three Shillings and Four Pence per Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of One Shilling and Eight Pence per Score; and so in Proportion for any greater or less Number.

And if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, whether immediately on the same becoming due, or at any Time after, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they, shall think necessary, to seize and distrain any Horse, Beast, or other Cattle upon which any such Toll is by this Act imposed, and also any Carriage which such Horse, Beast, or other Cattle may be drawing, together with their Saddles, Bridles, Gears, Harness, or Accoutrements, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, or Carriage, so seized and distrained, returning the Overplus (if any) and what shall remain unfold upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act shall be and the same are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner, as herein-after mentioned.

Tolls vested in Trustees.

XI. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate to be erected by virtue of this Act, shall be subject or liable to any Toll for returning through such Turnpike or Toll Gate before Twelve of the Clock of the Night of the same Day, with the same Horses, Cattle, or Carriage, in respect of which he shall have paid such Toll, or with the same Horses or other Cattle which shall have drawn any Coach, Waggon, or other Carriage, for which the Toll has been paid at such Gate that Day, if returning with another Carriage of the same Description as that for which

Toll's to be paid only Once for passing and re-passing.

[Loc. & Per.]

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the Toll has been paid, but shall return Toll free on producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike denoting Payment of such Toll, which Note or Ticket the Collector of the said Tolls is hereby required to deliver gratis on Receipt of such Toll if demanded; but nothing herein contained shall extend or be construed to extend to exempt any such Horses, Cattle, or Carriage, from the Payment of the Toll for passing a Third Time through such Turnpike on the same Day, but the said Toll shall be demanded and paid for each passing through such Turnpike Gate the same Way as such Horses, Cattle, or Carriage, went the first Time that Day.

For settling
Disputes con-
cerning
Tolls, &c.

XII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) till the Amount of the Tolls due and the Charges of the Distress and Sale, and of keeping the Distress, (as the Case may happen) be ascertained by some Justice of the Peace for the County or District in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or any Part thereof.

Toll Bar
Keepers com-
petent Wit-
nesses.

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

Toll Houses
vested in
Trustees.

XIV. And be it further enacted, That the Right and Property of all the Turnpikes and Toll-Houses, and other Buildings to be erected or provided in or upon the said Road and Branches, and of the Stone and Materials for building or repairing the same, and also of all Stone and Materials got or collected for repairing the said Road and Branches, shall be and are hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered to bring or cause to be brought any Action or Actions in the Name or Names of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Trustees may
make Fences
on Commons
to prevent
Tolls being
avoided.

XV. And whereas several Parts of the said Roads will lead over Moors, Waste Lands, Commons, or uncultivated Grounds, and the Tolls by this Act granted may, by reason of the great Widths and Extent of such Moors, Waste Lands, Commons, or uncultivated Grounds, be easily evaded; be it therefore further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered (if they shall see Occasion) to make or cause to be made such Hedges,
Ditches,

Ditches, Copse, Walls, and Fences by the Sides of the said Road and Branches, or upon, over, or across the said Moors, Wastes, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down or anyways damage, displace, or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVI. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a publick Highway), or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever to pass through the same, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll-Gate with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any Turnpike or Toll-Gate to be erected by virtue of this Act, shall afterwards add or put an additional Horse or Horses, Beast or Beasts to such Carriage, with an Intent to evade the Payment of the said Tolls, or shall leave or cause to be left upon or near any Part of the said Roads any Carriage, Horse, Cattle, or other Beast, with Intent to avoid the Payment, of any of the said Tolls or any Part thereof, or shall with such Intent unload any Goods from or out of any Carriage, or in any other Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on
permitting
private
Passages or
evading Tolls.

XVII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees or any Seven or more of them shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened, or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced shall be consenting thereto; nor shall any such Reduction be made unless Thirty Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpike or Toll Gates which shall be then erected by virtue of this Act; and

Tolls may
be varied.

inserted

inserted in some publick Newspaper circulated in the Neighbourhood through which the said Road and Branches are intended to pass.

Trustees em-
powered to
compound
for the Tolls.

XVIII. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, so that no Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

Trustees may
lease Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, from Time to Time, by Writing under their Hands, or under the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons for any Time not exceeding Three Years at one Time, for the best Rent that can or may be got for the same, payable at such Times, and under such Covenants, and unto such Person, as the said Trustees or any Five or more of them shall direct or appoint, of which letting Fourteen Days Notice at least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which shall then be erected by virtue of this Act upon the said Road and Branches, and by inserting the same in some publick Newspaper circulating in the Neighbourhood through which the said Road and Branches shall pass; and the Monies arising thereby shall be applied in such Manner as the Tolls so let or leased are directed to be applied.

Exemption
from Tolls

XX. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse, Cattle, Beast, or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or that shall be returning unladen or empty after having been used only in conveying Stones, Brick, Lime, Gravel, or other Materials for repairing the said Road and Branches, or any Bridges or Culverts belonging thereto, or for repairing any publick Road or Highway within any of the Townships, Hamlets, or Places wherein any Part of the said Road or Branches lie, or for Dung, Lime, Marl, Soil, Mould, Compost, or other Manure of whatever Nature or Kind soever, to be used in manuring and cultivating of Lands in any such Township, Hamlet, or Place, or for Hay, Grass, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof (other than and except Lime or Manure, and Hay, Corn, or Straw sold, or for Sale); nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows, or other Implements of Husbandry; nor shall any Toll be taken for any Horses or Cattle going to or returning from Stable, Water, or Pasture, nor for any Cattle which shall be going to or returning after having been shod or farried; or for any Horses or Carriages of whatsoever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when

employed in conveying, fetching, or guarding such Mails or Expresses; or returning back therefrom, or for any Horses, Carts, or Waggon attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms and Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise, Inspection, or Review (provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricule; or Chair, or Horses drawing the same, or Persons on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, or for the said County Palatine of *Lancaster*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church, Chapel, or other Place of Divine Worship on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or going to visit or returning from visiting his Sick Parishioners, or from any Person or Persons residing in any of the said Townships or Places for passing through any of the said Turnpikes or Toll-Gates to or from their respective Church, Chapel, or other Place of religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated, or for any Cattle or Carriage conveying the Corpse or going to or attending the Funeral of any Person who shall die and be buried in any of the Townships in which the said Road and Branches lie; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXI. And be it further enacted, That no Toll shall be demanded or taken at any Toll-Gate or Turnpike to be erected by virtue of this Act on the Side or Sides of any Part of the said Roads, for any Horse, Cattle, or Carriage which shall only cross the said Roads, or shall not pass above One hundred Yards thereon, unless such crossing shall be with Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll-Gates, and the Payment of such Toll shall be thereby evaded.

No Toll for crossing the Road only.

XXII. And be it further enacted, That the said Trustees or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up by virtue of this Act, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Road and Branches are intended to pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses, Turnpike Gates, and Appurtenances thereunto belonging,

Trustees may borrow Money

[Loc. & Per.]

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ing,

ing, (the Charges of assigning and mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees who shall advance or lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Seven or more of them, shall think proper; which said Money so to be borrowed, shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes or Toll Gates are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

Form of
Mortgage.

BY Virtue and in pursuance of an Act, passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act*] in Consideration of the Sum of _____ to *A. B.* the Treasurer appointed by the Trustees for putting the said Act in Execution, having been this Day paid by *C. D.* of _____ We, whose Names are hereunto subscribed and Seals affixed, being Seven of the said Trustees, do grant and assign unto the said *C. D.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Road and Branches in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the same Tolls as the said Sum of _____ doth or shall bear to the whole Sum due and owing on the Credit of the same Tolls, or charged thereupon for the Term of the said Act; to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said *C. D.* his Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term of Twenty-one Years for which the said Tolls are granted, by the said Act, subject to the Proviso following (that is to say): Provided always, that if the said Sum of _____ shall be repaid to the said *C. D.* his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of Five *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of _____ now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals this _____ Day of _____ One thousand eight hundred and _____

Copies to be
entered.

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right

to the Principal and Interest Money thereby secured to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; (that is to say),

‘ I Do hereby transfer and assign this Mortgage, [*or, a certain Mortgage, &c. as the Case may be,*] with all my Right and Title to the Principal Money thereby secured, and all Interest now due on the same, unto Form of Transfer.
 Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand and Seal, the _____ Day of _____ in the Year of our Lord, One thousand eight hundred and _____

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Sixty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Clerks, Treasurer or Treasurers shall be paid the Sum of Ten Shillings and no more, and which said Book or Books shall and may at all reasonable Times be perused and inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and, such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

XXIII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another. No Priority of Mortgages.

XXIV. And be it further enacted, That out of the first Money arising by virtue of this Act the said Trustees, or any Five or more of them, shall in the first place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll-Houses, and in making, repairing, widening, diverting, and amending the said Road and Branches, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever. Application of the Tolls and Money borrowed.

XXV. And

Power to enter Lands and make Roads.

XXV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Roads hereby authorized to be made are intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Lands or Grounds on the Sides of the said Road and Branches, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Road and Branches, every Person so offending shall forfeit and pay for every such Offence, a Sum not exceeding Forty Shillings.

Surveyors to get Gravel, &c.

XXVI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away, any Ashlar Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Roads, and the Bridges, Culverts, Walls, and Fences, in, upon, or under the same, in, upon, out of, or from any Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, in any Parish, Township, Hamlet, or Place, in which any Part of the said Road and Branches lie, or in any neighbouring Parish, Township, or Place, to be used in making and repairing the said Roads, without paying any Thing for the same; and to cart and carry the same over the Lands and Grounds of any Person or Persons, making Satisfaction as herein-after mentioned, such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashlar Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials, proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, contiguous and convenient to that Part of the said Road and Branches therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid may, by Order of the said Trustees or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Stone and Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees); paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, for such Damages, for or in the cutting, digging,

digging, gathering, taking, and carrying away, the said Ashlar Stone, Coping Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Waste Ground, Commons, or uncultivated Lands, Rivers, or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Five or more of them shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County, Riding, or Place, wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County, Riding, or Place, next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

Justices to determine Differences.

XXVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Stone or other Materials for making or repairing the said Roads, Bridges, Culverts, Walls, and Fences out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken or left for such Occupier at his or her usual Place of Residence, to appear by himself or herself, or by his Agent or her Agent, before the said Trustees or any Five or more of them, or any Two or more Justices of the Peace acting for the County, Riding, or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or any Five or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stone and Materials at such Time or Times as to such Trustees shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, before the said Trustees, or any Five or more of them, or such Justices as aforesaid, then and in such Case the said Trustees or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of Thirty Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatsoever.

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

No Materials to be gotten near any Bridge, &c.

XXVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to make Cause-

Surveyors may make Causeways, Bridges, &c.

[Loc. & Per.]

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ways

ways in and upon the said Road and Branches, and in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road, and Branches, not being the Ground whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, and also by Order of any Five or more of the said Trustees to build, erect, or repair and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road and Branches, and across any Canal, Stream, River, Brook, Water, Ditch, or Drain thereon or contiguous thereto, making, such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning such Damages the Justices of the Peace for the County, Riding, or Place wherein such Grounds shall lie at the General Quarter Sessions of the Peace next after such Difference shall arise, and on such Notice to be given as last mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

Penalty on
taking away
Materials
got by
Surveyors.

XXIX. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials which shall have been dug, got, or gathered for the Purpose of making, completing, altering, or amending of the said Road and Branches, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road and Branches, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own Private Use only and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Surveyors
may remove
Annoyances.

XXX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road and Branches, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road and Branches to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Road and Branches, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall, for the Space
of

of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, shall require; 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, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

XXXI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person or Persons, by them or any of them, or by the said Trustees or any Five or more of them employed in the Execution of this Act, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obstructing Collectors or Surveyors.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter the Course or Path of any Part or Parts of the said Road and Branches through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any Private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees or any Five or more of them to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain, by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road and Branches through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbards, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seized of or interested in their own Right, and to and for all and every Persons and Person whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them or any Five or more of them, all or any such Lands or Hereditaments, or any Part thereof for the Purposes aforesaid, and

Trustees may make and divert the Road.

Power of
Diversion not
to extend to
certain Lands
belonging to
Benjamin
Haigh, Es-
quire.

and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act: Provided always, that nothing herein contained shall extend or be construed to extend to enable the said Trustees, or any Person or Persons to be employed by them, to divert, vary, alter, or turn the said Road and Branches, or either of them, into, through, or over the Lands and Grounds lying and being in the Township of *Huddersfield*, and in the Hamlet or Township of *Marsh*, or either of them, in the said Parish of *Huddersfield*, being Part of a certain Estate called the *Greenhead Estate*, the Property of *Benjamin Haigh* Esquire, or into, through, or over any Part thereof (save and except a certain Close, Piece, or Parcel of Land or Ground, called the *Marshall Hey*, Part of the said *Greenhead Estate*); any Thing herein contained to the contrary thereof notwithstanding.

Where Per-
sons interested
neglect or
refuse to treat.

XXXIII. And be it further enacted, That if any such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of the said Road and Branches is intended to be made, widened, diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Riding, or Place, wherein such Lands or Hereditaments do lie; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees or any Five or more of them shall, by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; such Verdict, or Inquisition and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, against
all

Verdict of the
Jury to be
final.

all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return, such Number of Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons the said Trustees, or any Five or more of them, shall and are hereby empowered and required to swear or cause to be sworn Twelve Men who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no One Fine be more than Five Pounds on any One Person for One Offence.

Trustees to
issue War-
rants to the
Sheriff to im-
panel a Jury.

Jury may be
challenged.

Trustees may
impose Fines
on Sheriffs
making De-
fault, and on
Jury, and on
Witnesses.

Fines.

XXXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a

How the Ex-
pences of the
Jury and Wit-
nesses are to
be borne.

[Loc. & Per.]

3 M

Verdict

Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, in any such Lands or Hereditaments, or Losses or Damages, as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in Question (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for Recovery of Penalties or Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

Money allowed for Lands, how to be charged and tendered.

XXXV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons respectively, and after Four Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road and Branches, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road and Branches, for ever thereafter, and shall be repaired and kept in Repair in such Manner and by the same Ways and Means as the Road and Branches hereby authorized to be made and repaired are hereby directed to be made and repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and in case of the turning or altering the Course of any Part or Parts of the said Road and Branches after such new Road and Branches shall be completed, the Lands constituting such former Roads, or any Part thereof, unless leading over some Moor, Common, uncultivated Land, or Waste Ground,

or

or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Five or more of them in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County wherein such Roads shall happen to be, shall be good and effectual in Law to all Intents and Purposes whatsoever.

XXXVI. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees shall not extend to the taking down of any Dwelling Houses or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation, or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained, save and except Two Cottages in the Township of *Rastrick* aforesaid, in the several Occupations of *Joseph Hanson* and *William Lee*; an Asheshouse, a Stable, or Cowhouse, and a Yard, in the Occupation of *Thomas Aspinall*; a Blacksmith's Shop in the Occupation of *William Woodhouse*; a Garden and Yard, in the Occupation of *John Holroyd*; a Butcher's Shop, Pigstye, Necessary House, and Yard in the Occupation of *William Gooder*; and a Coal House at the End of a House in the Occupation of *William Eastwood*.

Trustees not to take down Houses, &c. except such as are herein mentioned.

XXXVII. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road and Branches, they may happen to be seised of some Piece or Pieces of Ground, and of some Piece or Parcel of old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Parcel of Ground, or Piece or Pieces of old Road, either together or in Parcels; as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

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

XXXVIII. Provided always, and be it further enacted, That the said Trustees or any Five or more of them, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, or any Five or more of them, before they shall sell or dispose of the said Piece or Pieces of Overplus Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County or Riding where such Piece or Pieces of old Road or Ground shall be, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees or any Five or more of them, and that such Offer was not then and thereupon agreed

Persons whose Lands adjoin to have the Preference.

agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made [*as the Case may be*], and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees or any Five or more of them shall differ, and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner, as herein-before directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees, or any Five or more of them, of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purpose of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
of Compen-
sation if
amounting to
200l.

XXXIX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Heoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Inten. that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or when such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said

Court

Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands or Hereditaments so to be purchased, in case a Purchase or Settlement were made.

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

Under 200 l.
and above 20 l.

XLI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where less
than 20 l.

XLII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Five or more of them, or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with

In case of not
making out
Titles;

or if Persons
cannot be
found Pur-
chase Money
to be paid into
the Bank;

[Loc. & Per.]

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the

subject to the Order of the Court of Chancery, on Motion or Petition.

the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereunto according to such Possession; unless &c.

XLIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied and disposed of accordingly; unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

XLIV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLV. And

XLV. And be it further enacted, That in all Cases where the said Road and Branches shall be made, diverted, or turned through any inclosed Lands or Grounds, being private Property, and where Stone Walls or Stone Fences are usually made for the common Inclosure or Fence of such Lands or Grounds, the said Trustees or any Five or more of them shall and they are hereby required, out of the Money to be raised, collected, and received by virtue of this Act, to erect or cause to be erected on each Side of the said Road and Branches, where the same shall be made, diverted, or turned through any such inclosed Lands or Grounds as aforesaid, a Stone Wall or Fence of the Breadth of Two Feet at the Bottom, and to be reduced in Breadth, gradually, to One Foot and Three Inches at the Top, and to be of the Height of Four Feet and Six Inches at the least.

To compel the Trustees to make Stone Fences.

XLVI. Provided also, and be it further enacted, That all Mines of Coal and other Minerals whatsoever which shall be discovered or found in or under any Lands to be appropriated to the said Road and Branches, by virtue of this Act, shall be, and is and are hereby reserved to the Person or Persons, Bodies Politick, Corporate or Collegiate, who is, are, or shall be entitled to such Coal or other Minerals, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that kind in the County or Place where such Mine or other Mineral shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid by virtue of this Act, so that in the working of such Mines no Damage shall be done to the said Road or Branches.

Mines reserved to the Owners of Lands.

XLVII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, or Hereditaments, and all other Persons liable to the amending or maintaining of any Common Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road and Branches shall pass, shall be liable to and chargeable with the Repair of the same Road and Branches in such and the like Manner in every respect as they are liable to the Repair of any other Common Highway within such Parish, Township, Hamlet, District, or Place respectively.

Persons liable to repair Highways to be liable to the Repair of the new Road.

XLVIII. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute Work on any of the Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road and Branches shall pass, shall be liable to perform their respective Works thereon, in such and the like Manner, in every respect, as they are liable to perform the same on any other Common Highway within such Parish, Township, Hamlet, District, or Place respectively.

Persons liable to repair Roads, &c. to continue so.

XLIX. And be it further enacted, That the respective Surveyors of the Highways for the several Parishes, Townships, Hamlets, Districts, or Places in which any Part of the said Road and Branches shall lie, shall Twice in every Year, within Four Days after Demand made to them respectively in Writing, by any Surveyor or Surveyors to be appointed by

Parish Surveyors to deliver Lists of Statute-work.

by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account or List, in Writing under their Hands, of the Christian and Surname of every Person who within their respective Parishes, Townships, Hamlets, Districts, and Places are liable to do Statute-work, and shall distinguish in such Account or List what Statute-work each of the said Persons is liable to do and perform; and the Statute-work shall be done by all such Persons, on such Parts of the said Road and Branches hereby intended to be made, completed, and repaired, as are within the said respective Parishes, Townships, Hamlets, Districts and Places, in such Manner and at such Times as any Two Justices of the Peace for the said West Riding of the County of *York*, or the said County Palatine of *Lancaster*, upon Application made to them by the said Trustees or any Two or more of them, or by their Clerk or Clerks, or Surveyor or Surveyors, shall direct; and the said Surveyors of the Highways for such Parishes, Townships, Hamlets, Districts, and Places respectively, within Ten Days after Notice shall be given to him, her, or them by such Clerk or Clerks, or Turnpike Surveyor or Surveyors, of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Road and Branches, shall give Notice thereof to such Persons; and if any Surveyor for any such Parish, Township, Hamlet, District, or Place, shall neglect or refuse to deliver in such Account or List to such Turnpike Surveyor or Surveyors, or shall be guilty of any Fraud therein, or shall refuse or neglect to summon such Persons to do their Statute-work as aforesaid, every such Surveyor shall, for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds.

Declaring what Proportion of Statute Duty shall be done by the Inhabitants of *Marth*.

L. Provided always, and be it further enacted, That the Inhabitants of the Township or Hamlet of *Marth* aforesaid shall not be liable or subject to do or perform on the said Road, to be made and maintained by virtue of this Act, any more Statute Work in any One Year than in the Proportion that the Length of such new Road shall bear to the several common Roads and Highways in the said Township or Hamlet.

Declaring what Proportion of Statute Duty shall be done by the Inhabitants of the Township of *Slaighthwaite*.

LI. Provided also, and be it further enacted, That the Inhabitants of the Township of *Slaighthwaite* aforesaid shall not be liable or subject to do or perform on the said Road to be made and maintained by virtue of this Act, any more Statute Work, Labour, or Duty, in any One Year, than in the Proportion that the Length of such new Road shall bear to the several common Roads and Highways in the said Township.

Penalty on not performing Statute Work.

LII. And be it further enacted, That every Person who shall neglect or refuse to do such Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by such Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the publick Highways; and every Person who shall, according to such Notice as aforesaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the said Road and Branches, and shall be found negligent or idle by the said Turn-

pike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, Draught, or Plough had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the Road and Branches as aforesaid shall not be liable to do any other Statute Work thereon.

LIII. And, for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being of the several Parishes, Townships, Hamlets, Districts, or Places, through which the said Road or Branches hereby directed to be made, completed, and repaired shall lead, touching what Part of the Statute-work in any such Parish, Township, Hamlet, District, or Place ought to be done on the said Road or Branches; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace at any special Session to be holden for the Division or Hundred, Divisions or Hundreds, wherein such Part or Parts of the said Road or Branches shall be, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute-work shall be done on the said Road or Branches by and in each and every of the Parishes, Townships, Hamlets, Districts, or Places aforesaid.

Justices to determine Statute-work.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to or chargeable with the Repair of any Part of the said Road and Branches within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets, Districts, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise, with the said Trustees or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part or Parts of the said Road and Branches, all which Composition Monies shall be from Time to Time paid in Advance; and shall be applied in the Repair of the said Road and Branches, and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing Highways.

Trustees may compound for Statute Work.

LV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Road and Branches or any Part thereof, and for erecting Mile and

[Loc. & Per.] 30 Direction

Trustees may contract for Repairs.

Contracts to
be binding.

Direction Stones, or other Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively; and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road and Branches, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against any such Party or Person, Parties or Persons, for as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Persons who
may be
Prosecutors
and Persons
prosecuted
indemnified.

LVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees or any Five or more of them, in every such Case the said Trustees or any Five or more of them shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* have incurred for or by reason of such Action or Prosecution, or any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees or any Five or more of them.

Mile Stones
to be set up.

Penalty on
defacing
them.

Riding on
Foot Paths,
&c.

LVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road and Branches to be measured, and Stones or Posts to be set up in or near the Sides of the said Road and Branches, at the Distance of One Mile from each other denoting the Distance of every such Stone or Post from any Town or Place; and also such, and so many Direction Posts as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up or damage any such Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Road and Branches, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road and Branches, any Tree

Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Road or Branches respectively; or if any Person driving any Pigs or Swine upon the said Road or Branches shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedge Backings, or Copse, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road or Branches, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road or Branches; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Road or Branches, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make, or assist in making, any Fire or Fires, commonly called *Bonfires*, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Road or Branches; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road or Branches, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road or Branches, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall for every or any such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dragging Timber or Stone.

Suffering Pigs to root up the Roads.

Drivers of Carriages not keeping on the left Side the Roads when meeting other Carriages.

Persons preventing others from passing.

Making Bonfires or letting off Fireworks.

Leaving Carriages, or Timber, &c. on the Roads

LVIII. And be it further enacted, That all Penalties, Forfeitures and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One Justice of the Peace for the County, Riding, or Place, wherein the Offence shall have been committed, or any One Justice of the Peace for the County, Riding, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes) and the Overplus after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered shall be, if not otherwise directed to be applied by this Act, from Time to Time paid Half to the Informer, and Half to any Five or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and applied in the Repair of the said Road and Branches; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to

Penalties how to be levied and applied.

be

be committed to the Common Gaol or House of Correction for the County, Riding, or Place wherein the Offence shall have been committed, there to remain, without Bail or Mainprize, not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

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

Form of
Conviction.

‘ BE it remembered, that on the _____ Day of _____
 ‘ _____ in the Year of our Lord
 ‘ A. B. is convicted before me C. D. One of His Majesty’s Justices
 ‘ of the Peace for the County of *Lancaster* [or, *West Riding* of the
 ‘ County of *York*, as the Case may be] [specifying the Offence, and the Time
 ‘ and Place when and where the same was committed, as the Case shall be].
 ‘ Given under my Hand and Seal the Day and Year first above writ-
 ‘ ten.’

Proceedings
not to be
quashed for
want of
Form.

LX. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in Execution of any Power or Authority vested in such Trustees or Justice or Justices respectively by this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

Distress not
to be deemed
unlawful for
want of
Form,

LXI. Provided always, and be it further enacted, 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 Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any 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 Satisfaction for the special Damage in an Action upon the Case.

nor the Party
distraining be
deemed a
Trespasser *ab*
initio.

Limitation of
Actions.

LXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers 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 Calendar Months next after the Fact committed; and every such Action shall be laid in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead

General Issue.

at his, her, or their Election specially, or the General Issue, and give this

this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Fourteen Days Notice shall have been 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 elsewhere than in the County where such Cause of Action shall have arisen or be supposed to have arisen, then the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or 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 other Cases by Law. Treble Costs

LXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the Trustees, or by their Clerk or Clerks, which said Book or Books, and all other Books directed to be kept for registering the said Mortgages, Assignments, and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatsoever. Orders and Proceedings of Trustees to be entered in a Book.

LXIV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall and may be lawful for any of the said Trustees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers respectively, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace for the County or District near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Sessions to be holden within or for the County, Riding, or District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary way; and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Common Gaol or House of Correction of the same County, Riding, or District, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment. For securing transient Offenders.

Persons
aggrieved
may appeal.

LXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County or Riding where the Cause of Complaint shall or may arise, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the same County or Riding, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Riding, or Place wherein such Quarter Sessions shall be held, [*as the Case may be*] there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

For compelling
Subscribers
to pay
their Sub-
scriptions.

LXVI. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making of the said Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed at such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them to sue for and recover the same in the Name of the said Trustees or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Publick Act.

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

LXVIII. And

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

Commence-
ment and
Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1806.

