



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 15.

An Act for making and maintaining a Road from
Leeds to *Roundhay*, in the West Riding of the
County of *York*. [28th March 1808.]

WHEREAS the making, maintaining, and keeping in Repair a Turnpike Road from *Leeds*, in the West Riding of the County of *York*, to commence at or near a certain Turnpike Bar called *Sheepscar Bar*, in a Field called *South Sheepscar*, the Property of the Right Honourable *Peter Leopold Louis Francis Nassau Clavering Cowper* Earl *Cowper*, and passing into and over the East Side of a certain Farm called *Busby Field House*, belonging to the said Earl *Cowper*, across a certain Lane called *The Hare Hills Lane*, to and through the North West Side of *Gibton Wood*, in the Township of *Potternewton cum Gibton*, and from thence to a Bridge lately erected in the Township of *Roundhay* called *Roundhay Bridge*, all in the West Riding of the County of *York*, would be of great Advantage and Convenience to the Land Owners and Inhabitants of the adjacent Country, and of Public Utility; but as the same cannot be effected without the 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 the Honourable *Edward Spencer Cowper*, *Charles Cowper*, *James Graham*, *John Dixon*, the Mayor, Recorder, and Aldermen for the Time being of the Borough of *Leeds*, *Thomas Nicholson*, *Samuel Elam*, *Thomas Strotter*, *James Brown*, *James Brown the younger*, *Edward Brocke*, *John Bramley*, *Robert Elam*, *John William Elam*, *James Entwistle*, *Joshua Field the younger*, *William Green-*
[Loc. & Per.] 3 D wood,

Trustees.

wood, William Glover, John Grainger, John Gilpin, John Hebblethwaite, John Howarth Martin Hind, Jonathan Lupton, Samuel Lapage, Joseph Medley, James Richardson, John Sowden, William Westerman, Griffith Wright, Junior, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing, and improving the said Road, and that they or any Five or more of them, at such Meeting or Meetings as herein-after directed, unless where otherwise herein-after specified, shall and may and are hereby authorized and empowered to carry this Act, and all the Matters and Things herein contained or directed to be done by the said Trustees, into Execution and Effect.

**Election of
new Trustees.**

II. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors (to be elected in Manner herein mentioned) to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees from Time to Time to elect and appoint one other Person to be a Trustee in the Room of each Trustee so dying or refusing or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election, shall by the Clerk to the said Trustees for the Time being, be inserted in some Newspaper or Newspapers published in the said West Riding of the County of York, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid, being qualified as herein-after mentioned, shall be and he is hereby empowered to act in the Execution of this Act to all Intents and Purposes in as full and ample Manner as the Trustee in whose Room or Stead he shall have been so elected.

**Qualification
of Trustees.**

III. Provided always, and be it 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 Forty Pounds, or be possessed of or entitled to a Personal Estate alone, or Real and Personal together, of the Value of Eight hundred Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Land of the clear yearly Value of One hundred Pounds, nor shall any such Person be capable of acting in the Execution of this Act, save and except in administering the Oath following to the other Trustees, until he (not being such Heir Apparent as aforesaid) shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say),

‘ I do swear, That I truly and *bonâ-fide* am in my own
 ‘ Right [or, in Right of my Wife, *as the Case may be*] in the actual
 ‘ Possession or Enjoyment of Lands, Tenements, or Hereditaments of the
 ‘ clear yearly Value of Forty Pounds, or possessed of or entitled to a
 ‘ Personal Estate alone, or Real and Personal together, of the Amount
 ‘ or Value of Eight hundred Pounds. So help me GOD.’

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record

Record by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid; or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

All Acts of Trustees not qualified, if done before Conviction, valid.

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

Victuallers, &c incapable of acting.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to 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 may act as Justices, except where interested.

VI. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby authorized and empowered to meet together at the Hotel in Leeds aforesaid, on the Second Tuesday next after the passing of this Act, 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 as they the said Trustees or any Five or more of them shall think proper; and the said Trustees at all their Meetings shall defray their own Expences.

Time of Meeting.

Trustees to defray their own Expences.

VII. And it is hereby declared, That all Orders and Determinations made at any Meeting of the said Trustees shall be made by a Majority of the Trustees then present; and no Order or Determination shall be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, and Two-thirds of them shall decide in Favour of such Revocation or Alteration, and 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

Orders of One Meeting not to be revoked by another, except in certain Cases.

herein

herein-before directed with respect to Notices for the Election of New Trustees, at least Ten Days previous to any Meeting.

Meetings on
Emergencies.

VIII. 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 any Adjournment, or if for want of a proper Adjournment, or otherwise it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Three or more of them, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice) and such 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
appoint Of-
ficers.

IX. And be it further enacted, That the said Trustees 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 and faithful Execution of his or their Office or Offices, as the said Trustees shall think fit, and shall also elect and appoint a Surveyor or Surveyors, and such other Officers as the said Trustees 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 shall see Occasion, and appoint others in the room of such of them as shall be so removed, or shall die, resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowance 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 shall seem proper; and all such Officers and other Persons shall upon their respective Oaths, if thereunto required by the said Trustees (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 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 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 aforesaid, or to produce and deliver up to the

Officers to
account.

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

the said Trustees 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, within Ten Days after being thereunto required by them, 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 Riding, Town, or Place wherein such Officer or Person shall be and reside, shall, upon Complaint of the said Trustees or of any one or more of them, or by such Person or Persons as they or any one or more of them shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or Person to appear before him or them, and upon his appearing, or having been summoned and not appearing, or not being to be found, shall make Enquiry concerning such Default, and hear and determine the Matter in a summary Way, and if upon the Confession of the Party, or by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward) it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act, shall remain due from such Officer or Person, such Justice or Justices may and he and they is and are hereby authorized and required, upon Non-payment thereof, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or Person to the Common Gaol either for the said West Riding or for the Borough of *Leeds*, or of such Riding, Town, or Place as aforesaid, 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 for the same, and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers (which Composition the said Trustees are hereby empowered to make and accept) 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: Provided always, that no such Officer or other Person so committed as aforesaid shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect or refuse to perform or become 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 refusing to perform 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

Trustees may remove Collectors and appoint temporary Ones.

[*Loc. & Per.*]

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Collectors refusing to deliver up Toll Houses.

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

Trustees may erect Toll Houses, &c.

Tolls

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 Road 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 a 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 said West Riding, or for the said Borough of *Leeds*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the said Riding or Borough, with such Assistance as may be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new-appointed Collector or Receiver, into the Possession thereof.

XI. And be it further enacted, That the said Trustees 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 across any Lane or Way leading into, from or out of the same, and also such Toll House or Houses, Weighing Engine or Engines to each Gate or Turnpike, or otherwise as they shall think necessary, with suitable Out-buildings thereto, and also may inclose from the said Road convenient Garden Spots to the said Toll Houses, as they may judge proper, and may cause any such Turnpikes, Toll Gates, Toll Houses, Weighing Engines, or other Buildings from Time to Time to be taken down, removed, or altered, as they shall judge proper; which said Turnpikes, Toll Houses, Weighing Engines, and Buildings, and all Materials for making or repairing the same, are hereby vested in the said Trustees; and that the following Sums of Money shall and may be demanded and taken as Tolls, before any Horse, Cattle, or Carriage shall be permitted to pass through any such Turnpikes or Toll Gates respectively (that is to say);

For every Coach, Chariot, Landau, Berlin, Curricule, Chaise, Calash, or other such like Carriage, or Hearse, drawn by Six Horses or other Beasts of Draught, Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, Nine-pence; and drawn by One Horse or other Beast of Draught, Sixpence:

And for every Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Four Horses, or other Beasts of Draught, Two Shillings; and drawn by Three Horses or other Beasts of Draught, One Shilling and Nine-pence; and drawn by Two Horses or other Beasts of Draught One Shilling and Three-pence; and drawn by One Horse or other Beast of Draught, not laden with Coals, Sixpence:

And for every Waggon, Wain, Cart, or other such like Carriage drawn by One Horse or other Beast of Draught, and laden with or going for

for or returning empty after having been only laden with Coals, Cinders, or Lime, One-Half of the Toll above charged upon any Waggon, Wain, or Cart drawn by One Horse, and not laden with Coals:

And for every Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of the Breadth of Six Inches or more, not laden with or going empty for or returning empty after having been laden only with Coals, Cinders, or Lime, and drawn by Six or more Horses or other Beasts of Draught, Three Shillings; and drawn by Five Horses or other Beasts of Draught, Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, One Shilling and Three-pence; and drawn by Two Horses or other Beasts of Draught, Nine-pence; and drawn by One Horse or other Beast of Draught, Sixpence:

And for every Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more, going for or laden with or returning empty after having been laden with Coals, Cinders, or Lime only, and drawn by Four or more Horses or other Beasts of Draught, One Shilling; and drawn by Three Horses or other Beasts of Draught, Nine-pence; and drawn by Two Horses or other Beasts of Draught, Sixpence; and drawn by One Horse or other Beast of Draught, Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass laden or unladen and not drawing, One Penny Halfpenny:

And for every Drove of Oxen, Cows, or neat Cattle, One Shilling per Score; and so in Proportion for any less Number:

And for every Drove of Calves, Sheep, Lambs, or Swine, Sixpence per Score; and so in Proportion for any less Number:

Which said respective Tolls shall be and are hereby vested in the said Trustees; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Persons whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast, or other Cattle upon which any such Tolls are by this Act imposed, belonging to any Person or Persons so neglecting or refusing or liable to pay the Tolls as aforesaid (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast); and if such Tolls and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, 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 or other Beast or Cattle so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

XII. And it is hereby further enacted and declared, That no Person shall be liable to pay more than once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, or Carriages respectively through any of the Turnpikes to be erected by virtue of this Act, but that any Person after having paid Toll once, and producing

No more than
One Toll to
be taken in
One Day.

producing a Note or Ticket denoting such Payment, shall afterwards be permitted to pass with every such Horse, Cattle, or Carriage Toll-free during such Day, through any of the said Turnpikes for which such Person or Persons shall have so paid Toll once during such Day, which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Trustees may
reduce the
Tolls,

and after-
wards ad-
vance them
again to any
Sum not ex-
ceeding the
Rates before
granted,
provided no
Reduction
be made
without the
Consent of
Creditors.

XIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls, and also any additional Tolls, payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweight: Provided nevertheless, that when the whole Money borrowed on the Credit of the said Tolls shall not have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said Tolls.

Tolls may be
let.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting, upon Ten Days Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all and every the Turnpike Gates that shall be standing on the said Road, to let or farm the said Tolls to be collected by virtue of this Act or any Part or Parts thereof, to any Person or Persons at and for the largest yearly Sum that can be reasonable got for the same, provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by the said Trustees, but the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer to the said Trustees, so that One Quarterly Payment of such Rent shall always be in Advance, or sufficient Security given for the Payment of such Rent to the Satisfaction of the said Trustees, or in Default thereof every such Lease, Contract, or Agreement, shall be null and void to all Intents and Purposes whatsoever.

Lessees of
Tolls may
appoint Per-
sons to re-
ceive the
same.

XV. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Persons as he or they shall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes as any Collector of the said Tolls appointed by the said Trustees

Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures; and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to compound with any Person or Persons for any Period of Time not exceeding One Year for any Horses, Beasts, Cattle or Carriages, passing on the said Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Horses, Beasts, Cattle, or Carriages passing and repassing on the said Road; and all such Composition Money shall be paid in Advance One Quarter, or otherwise as the said Trustees shall appoint, and in Default thereof every such Composition shall be null and void to all Intents and Purposes.

Trustees may compound.

XVII. And whereas an Act was passed in the Twenty-fifth Year of the Reign of his late Majesty King George the Second, intituled, *An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South West Corner of the Inclosures of Harrowgate, and from thence in Two Branches (one through Ripley over Burage Green, and the other through Knareborough and Boroughbridge) to Ripon, and from thence to the First Rill of Water or Watercourse on Hutton Moor, in the County of York, and for repairing the Sloughs or Ruts on the said Moor*: And whereas another Act was passed in the Twenty-ninth Year of his said late Majesty King George the Second, intituled, *An Act to explain and amend an Act passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, 'An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South West Corner of the Inclosures of Harrowgate, and from thence in Two Branches (one through Ripley over Burage Green, and the other through Knareborough and Boroughbridge) to Ripon, and from thence to the First Rill of Water or Watercourse on Hutton Moor, in the County of York, and for repairing the Sloughs or Ruts on the said Moor*': And whereas another Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of Two Acts of Parliament, one passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled, 'An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South West Corner of the Inclosures of Harrowgate, and from thence in Two Branches (one through Ripley over Burage Green, and the other through Knareborough and Boroughbridge) to Ripon, and from thence to the First Rill of Water or Watercourse on Hutton Moor in the County of York, and for repairing the Sloughs or Ruts on the said Moor*;' and the other passed in the Twenty-ninth Year of his said Majesty's Reign, to explain and amend the said first-mentioned Act, with respect to those Parts of the said Roads from Harrowgate through Ripley and Ripon to the North East Corner of Hutton Moor, and from the East End of Kirby Hill Moor to the Town of Ripon aforesaid: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of Three several Acts, passed in the Twenty-fifth and Twenty-ninth Years of the Reign of his late Majesty King George the Second, and the Seven-*

Power for the Trustees under this Act to contract for and make use of the Gate and Weighing Engine' belonging to the Harewood Road.

teenth Year of the Reign of His present Majesty, for repairing certain Roads therein mentioned, so far as the same Acts relate to the Road from the Town of Leeds through Harewood, to the South West Corner of the Inclosures of Harrowgate, in the West Riding of the County of York: And whereas at the Point where the Road to be made by virtue of this Act is intended to commence, called Sheepscar Bar, there is already erected by virtue of the said recited Acts a Turnpike or Toll Gate, and also a Weighing House and Weighing Engine: And whereas it might be more convenient to the Trustees acting in the Execution of this Act, if they were authorized to make use of such Turnpike or Toll Gate and Weighing Engine, and if the Collectors of the Tolls appointed by virtue of the said recited Acts were to be authorized to receive and collect the Tolls authorized to be taken by virtue of this Act; be it therefore further enacted, That it shall and may be lawful to and for the Trustees acting in the Execution of the said recited Acts, to contract and agree with the Trustees for putting this Act in Execution, for the Use of the said Turnpike or Toll Gate and Weighing Engine; and it shall and may be lawful to and for the Trustees acting in the Execution of the said recited Acts, to permit their Collector or Collectors to receive and collect at such Toll Gate the Tolls to be raised and collected by virtue of this Act, or such Parts thereof as the Trustees acting in the Execution of this Act shall order and direct; and all Persons passing through the said Gate shall pay the Tolls to be demanded and taken by virtue of this Act, and all Carriages passing through the same shall be subject and liable to be weighed at such Weighing Engine, as if the said Gate and Weighing Engine had been erected and built by virtue of this Act for the Purposes thereof; and such Toll Collector or Collectors shall and may and is and are hereby authorized and empowered to use and exercise all and every the same Powers and Authorities whatsoever as he or they would have been entitled to use and exercise, and shall be liable to the same Pains, Penalties, and Forfeitures for Misconduct, as he or they would have been subject and liable to if he or they was or were acting under the Authority and had been immediately appointed by virtue of this Act, so as nevertheless that it shall not be competent for the said Trustees appointed by virtue of this Act, or any Person or Persons for them or by their Authority, to discharge or expel the said Toll Collector or Collectors from the said Toll Gate or the House thereto belonging, or to prevent him or them from continuing to act and be employed for the Trustees acting in the Execution of the said recited Acts.

Trustees of this Road to allow a Part of their Tolls to the Trustees of the Harewood Road, for the Use of the Piece of Road from Leeds to Sheepscar Bar, and of the Toll Bar and Weighing Engine.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees acting in the Execution of this Act, to make such Compensation to the Trustees acting in the Execution of the said recited Acts, as shall be mutually agreed upon between such respective Trustees, as a Satisfaction for the Use of the said Toll Bar and Weighing Engine, and of the Road from Leeds to the said Bar, and for permitting the Collector or Collectors of the Trustees acting in the Execution of the said recited Acts, to collect such Tolls; such Satisfaction and Compensation not exceeding One-seventh Part of the clear Tolls, which shall be collected or received for and in respect of the said Road hereby intended or directed to be made (after deducting therefrom the necessary Expences of or Allowances for receiving the said Tolls) such Part or Proportion of the said Tolls to be paid within Twenty-one Days after the same shall be from Time to Time received by the said Trustees under this Act or their Treasurer; and in Default of such Payment,

Payment; the same shall and may be recovered from the said Trustees, appointed by or in pursuance of this Act, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Treasurer of the said Road leading from *Leeds* through *Harewood*: Provided always, that the Treasurer of the said Road leading from *Leeds* through *Harewood*, shall and may at all reasonable Times inspect the Accounts and Books relating to the Tolls taken for or in respect of the Road hereby intended or directed to be made, so as to ascertain and satisfy himself of the Sum due and payable for and as such One-seventh Part and Proportion of the said Tolls intended to be taken by virtue of this Act as aforesaid.

XIX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling 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 be ascertained by some Justice of the Peace for the said Riding or for the Borough of *Leeds*, in whichever the Cases 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 Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and keeping or Sale of the same, 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.

For settling
Disputes
concerning
Tolls.

XX. 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, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Toll Bar
Keepers
competent
Witnesses.

XXI. 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 public Highway) or if any Owner or Occupier of 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, with Intention to evade or whereby the Payment of any of the said Tolls or any Part thereof may and shall be evaded; or if any Person or Persons shall fraudulently 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

Penalty
permitting
private Pas-
sage, or
evading
Tolls.

put

put an additional Horse or Horses, Beast or Beasts, to such Carriage, with 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 Road any Carriage, Horse, Cattle, or other Beasts, with Intent to evade 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:

Exemptions
from Toll.

XXII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle going unladen for or being laden with or returning after having gone laden only with any Materials for repairing the said Road, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Out-houses, Barns, Yards, or Closets of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle, or Carriages going with or for any Ploughs, Harrows, or other Implements of Husbandry belonging to any of the Inhabitants of the Parishes, Townships, Hamlets, or Places wherein any Part of the said Road lieth; or for any Cattle going to or from Plough or Harrow; or for any Carriage or Cattle carrying any Lime, Marl, Dung, Mould, or Compost of any Kind whatsoever to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or for any Horses or other Cattle or Carriages employed in the conveying of any Person or Persons going to or returning from an Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; or going to or returning on *Sundays* or any other Days on which Divine Worship is ordered by Authority to be celebrated, from any Church, Chapel, or other Place of Religious Worship, which shall be situate within the same Parish in which any Turnpike or Toll Gate shall be erected; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets, or Places in which the said Road hereby directed to be made lies; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall be used by the Owners of such Corn respectively; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle going to or returning from any Pasture or Watering Place, or from being shod or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or any sick, wounded, or disabled Officers or Soldiers; or for any Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and

and rode by them in going to or returning from the Places appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person shall by any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXIII. 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 Road, for any Horse, Cattle, or Carriage which shall only cross the said Road, or shall not pass above one hundred Yards thereon, unless such crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll would be thereby evaded. No Tolls for crossing the Road only.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think fit upon the Credit of the Tolls arising by virtue of this Act or any Part or Parts thereof, and by Writing under their Hands and Seals to assign over the said Tolls or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be borrowed, with the Interest thereof; which Assignment shall be in the Words or to the Effect following: Power to borrow Money.

‘ BY virtue of an Act of Parliament made in the Forty-eighth Year of the Reign of King George the Third, intituled, ‘ An Act [*set forth the Title of this Act*] We of the Trustees acting in the Execution of the said Act, in consideration of the Sum of to the Treasurer of the said Road in Hand paid by do hereby grant, bargain, sell and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls, to be had and holden from the Day of for and during the Continuance of the said Act, unless the said Sum of with lawful Interest for the same, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord Form of Assignment.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said West Riding of the County of York, and also upon the Turnpikes or Toll Gates which shall be then standing upon the said Road, at least Fourteen Days before

the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security in the Presence of One credible Witness; which Transfer shall be in the Words or to the Effect following:

Form of
Transfer.

‘ I Do transfer the within Mortgage, and all the Principal and Interest
‘ now due thereon, unto
‘ Executors, Administrators, and Assigns. Witness my Hand and Seal
‘ this Day of

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of One Shilling and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*, and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application
of the Tolls,
and Money
borrowed.

XXV. And be it further enacted, That the Monies arising by virtue of this Act shall be applied and disposed of by the said Trustees in Manner following (that is to say) in Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and in making and constructing the said Road, and repairing and amending the same, and in erecting Turnpikes and Toll Houses thereupon, and defraying the Expences from Time to Time attending the Execution of this Act, and in paying and keeping down the Interest of the Monies borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging such Principal Monies, and to and for no other Use or Purpose whatsoever.

Power to enter
Lands
and make
Roads.

XXVI. 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 Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees 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

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 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, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

XXVII. 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 widen, divert, shorten, vary, and alter the Course or Path of any Part or Parts of the said Road 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 Nine or more of them to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments, which the said Trustees shall judge necessary for the Purposes aforesaid, 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 through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, 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 seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid, to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, 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 lawfully do by virtue or in pursuance of this Act.

XXVIII. And whereas a Map or Plan describing the Line of the said Road and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of York; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain

Trustees
may make
and divert
the Road.

For restrain-
ing the Trust-
tees from de-
viating be-
yond certain
Distances of
the Line de-
termined in
the Plan, &c.

remain in the Custody of the Clerk of the Peace for the said West Riding, to the End that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road, shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made: Provided always, that it shall and may be lawful to and for the said Trustees to make the said Road, notwithstanding any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may
make Road
through
Grounds,
although the
Owners
Names are
not in the
Book of Re-
ference.

Where Per-
sons interested
neglect or
refuse to
treat.

XXIX. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference.

XXX. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbonds, 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 Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in possession of Lands or Hereditaments through which any Part of the said Road 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, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said West Riding or Borough of *Leeds*, from the Neighbourhood of the Place where such Lands and Hereditaments do lie, and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before 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 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 enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed

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; and such Verdict or Inquisition, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or Remainder in Fee, or in Fee Tail General or special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise their Heirs and Successors as well absent as present, Infants, Females Coverts, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, 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 are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of York, requiring him to empanel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Trustees or any Five or more of them at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees 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 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, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no One Fine be more than Five Pounds on any One Person for One Offence.

Trustees to
issue Warrant
to the Sheriff
to empanel
a Jury.

Trustees may
impose Fines
on Sheriff,
Jurymen, or
Witnesses
making De-
fault, &c.

XXXI. 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 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 at-

Expences of
the Jury and
Witnesses,
how to be
paid.

[Loc. & Per.]

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tending

tending 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 Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning or returning of 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 or 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 Riding, Division, or Liberty 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 hereinafter mentioned or provided for the 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 about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

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

XXXII. 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 any 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, to be thereafter disposed of as herein-after directed; 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 in such Manner as the said Trustees shall direct, and shall be by them or such Person or Persons as they 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 for ever thereafter.

Trustees not to take down Houses, &c.

XXXIII. Provided always, and be it further enacted, That no Power or Authority by this Act given to the said Trustees shall extend to the taking down or injuring any Dwelling-houses or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk, or Avenue

Avenue to a House, or Plantation or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof and other Persons interested therein, first had and obtained.

XXXIV. 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, they may happen to be seized of some Piece or Pieces of Ground 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 to sell and dispose of such Pieces or Parcels of Ground, 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: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased; or where the same shall arise by Reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as hereinafter mentioned) or shall refuse (except with respect to and on account of the Price thereof) to purchase or repurchase 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 said West Riding of the County of York or Borough of Leeds aforesaid (who are hereby respectively empowered to take the same) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon 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 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 hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in 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 of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

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

Persons whose Lands adjoin to have the Preference.

XXXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in this Act particularly mentioned, such Money shall, in case the same shall

Application of Compensation Money if amounting to 200 l.

shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents or Purposes; or where 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, Tenements 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, Tenements, and 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 Purchases 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 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 and Profits of the Lands, Tenements and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Under 200 l.
and above
20 l.

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements 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 in Writing under their respective Hands, be paid into the Bank 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 hereinbefore 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 Five or more of the said Trustees for executing
this

this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

XXXVII. Provided always, 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, Tenements, and 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.

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid 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 shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 to awarded to be paid into the Bank of England, in the Name and with 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, or 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 such Sum or Sums of Money into the Bank as aforesaid.

In case of not making good Title;

Or if Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Chancery on Motion or Petition.

XXXIX. 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

Respecting disputed Titles.

[*Loc. & Per.*]

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the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements 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, Tenements or Hereditaments; at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest herein.

The Court
of Chancery
may direct
the Payment
of Expences.

XL. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased 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, Tenements 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.

Mines re-
served to the
Owners of
Lands.

XLI. Provided always, and be it further enacted, That all Mines of Coal and other Minerals and Fossils whatsoever which shall be discovered or found in or under any Lands to be appropriated to the said Road by virtue of this Act, shall be and are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seized of or entitled to the same in case this Act had not been made, with Liberty for him 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 Riding or Place where such Coal or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working of such Mines no Damage shall be done to the said Road.

For getting
Materials to
repair the
Road.

XLII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the said Road, out of and from any Common or Waste Ground, River, Brook, or Pit in any Parish, Township,

Township, Hamlet, Division, District, or Place in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken; or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and also that such Surveyor or Surveyors or other Person or Persons as aforesaid may (except as hereinafter excepted) by Order of the said Trustees (such Order to be made at some Meeting of the Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk or Clerks to the said Trustees) search for, cut, dig, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the same and for any Damages done thereby, to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried according to their respective Rights and Interests in such Ground, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County, Riding, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgement or Order of the said Justices shall be final and conclusive to all Parties.

XLIII. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing signed by the Surveyor or Surveyors shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before the said Trustees or Two or more Justices of the Peace acting for the County, Riding, or Place where such Premises shall be situate, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or One of them or their or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, or shall not undertake as herein-after mentioned, or having entered into such Undertaking shall fail in the Execution thereof, then and in either of the said Cases the said Trustees or such Justices shall or may authorize such Surveyor or Surveyors or other Person or Persons to dig, get,

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

get, gather, and carry away such Materials at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

For allowing the Owner or Occupier of Lands, where Materials for the Road are to be taken, to dig the same, and to deliver them to the Surveyors at a Price to be paid.

XLIV. Provided nevertheless, and be it further enacted, That if any such Owner or Occupier or his Agent having had such Notice as aforesaid, and appearing before the said Trustees or Justices of the Peace, shall then and there undertake to cut, dig, get, and gather out of such his private Lands, Fields, or Grounds as aforesaid, by Means of his own Workmen or Servants or otherwise, all such Materials as by virtue of this Act the said Trustees or Justices would otherwise for such Undertaking be authorized to empower such Surveyor or Surveyors or other Persons to dig, get, and gather from, and out the same, and to deliver the same in a reasonable Time and at a reasonable Rate of Payment (the Value of the Land damaged as well as the Materials, and the digging and getting of the same being taken into Consideration) to be then and there settled and affixed by the said Trustees or Justices, such Delivery to be made on the Spot where such Materials shall be digged for or collected, to be by such Surveyor or Surveyors taken and carried away for the Purposes of this Act, that then and until Default shall be made by such Owner or Occupier in respect thereof, it shall not be lawful for such Surveyor or Surveyors or other Person or Persons, to come or send any Person or Persons, upon such private Lands, Fields, or Grounds of such Owner or Occupier as aforesaid, for the Purpose of cutting, digging, getting, or gathering such Materials from out the same; and in case such Owner or Occupier shall be dissatisfied with the Rate of Payment which shall be settled and affixed by the said Trustees or Justices for such Materials as aforesaid, then and in such Case the Rate of Payment shall be settled and affixed by Two other Justices of the Peace, in like Manner as is hereinbefore provided in case of the said Surveyor or Surveyors entering the private Lands or Grounds of any such Owner or Occupier as aforesaid for the Purpose of digging, getting, or gathering such Materials as aforesaid.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

XLV. And be it further enacted, That if any Person or Persons whoever shall take away any Stone or Materials which shall have been dug or gathered by or by the Order of the said Surveyor or Surveyors for the Purpose of making or amending the said Road or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road or any Part or Parts thereof, before the said Surveyor or Surveyors or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made, and Persons authorized by such Owner or Occupier to get Materials therein 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 to make Drains, &c.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint by Order of the said Trustees, to cut and

and make any Causeways, or Footpaths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, or to erect Bridges over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such Temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees touching such Damage, then and in such Case the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the West Riding of the said County of York, next after the Expiration of Twenty Days from the Time of doing such Damage, shall and are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

making reasonable Satisfaction.

In case of any Difference, Justices in Sessions to determine the same.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any Five or more of the said Trustees) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said Road by Rails, Steps, Sign Posts, or other Nuisances, and to turn or stop any Watercourses, Sinks or Drains running into, along, or out of any Part of the said Road to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Road, and to cut down, lop, or top, any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Ten Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees or by their Surveyor or Surveyors, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for

Surveyors may remove Annoyances.

[*Loc. & Per.*]

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every

every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Road to be
measured and
Milestones
and Guide
Posts erected.

Penalty on
damaging
them.

XLVIII. And be it further enacted, That the said Trustees shall, and may cause the said Road to be measured, and Milestones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Milestone, or Post erected on any Part of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Post, Parapet Wall and Arch so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Penalty for
riding on
Footpaths,
&c.

XLIX. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down or otherwise damage, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage, shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with any Instrument, so as to damage the said Road or any Part thereof; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Road any 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 a Wheeled Carriage, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Bankings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, or Beast to be and remain loose on the said Road; or if any Person driving any Coach, Chaise or Waggon, Cart or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage

riage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, 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 if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be) in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road or on the Side or Sides thereof to the Prejudice thereof, or to the Annoyance, Inconvenience, or Prejudice of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

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

Penalty on obstructing the Execution of this Act.

LI. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said intended Road shall pass, shall be liable to the Repair of such Parts of the said intended Road as are within their respective Parishes, Townships, Hamlets, Districts, or Places, in such and the same Manner as they are liable to the Repair of any other Highway within the same.

Townships to be liable to Repairs.

LII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work on any Part of the Roads within the Parishes, Townships, or Places through which the said Road or any Part thereof, passes, shall be liable to do the same on the said Road, and it shall and may be lawful to and for any Two or more Justices of the Peace for the said West Riding of the County of York, and they are hereby required and empowered upon Application made to them by the said Trustees or by their Clerk or Surveyor, by their Order Yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways

Persons chargeable to statute Work to continue to.

Justices to determine Differences touching Statute Work.

ways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work
on

on any Parts of the said Road ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road ; and in case the said Surveyor or Surveyors of the Highway for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road shall lie, and be situate, or with the Surveyor of the Highways for such Parishes or Places, in which the said Road shall lie and be situate, or with the Surveyor of the Highways for such Parishes or Places, duly authorized for that Purpose at a public Vestry, for a certain Sum of Money, by the Year or otherwise as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding to the Treasurer or Treasurers of the said Trustees, in Advance, on or before the Tenth Day of *May*, in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

LIV. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby authorized and required, from and immediately after the said Road shall be completed, to shut up and discontinue or cause to be shut and discontinued, a certain Lane belonging to the said Earl *Cowper*, called *Mill Lane*, leading out of the Turnpike Road from *Leeds* through *Harewood* past the Mill at the Bottom of the said Lane, towards and unto the *Harebills* or *Harebills Lane* ; and also a certain Footpath leading out of the said Turnpike Road from *Leeds* through *Harewood* across a Pasture called *Squire Pasture*, belonging to the said Earl *Cowper*, and from thence past the said Mill to the said *Harebills* or *Harebills Lane* (which said Lane and Footpath will, if this Act should pass, into a Law, become useless and unnecessary).

For shutting up a certain Lane and Footpath, the Property of Earl Cowper.

LV. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby authorized and required, from and immediately after the Completion of the said Road, to shut up and discontinue or cause to be shut up and discontinued a certain Footpath leading from and out of the said *Harebills* or *Harebills Lane* unto or towards *Red Hall* in the Township of *Shadwell*, in the Parish of *Thorner*, in the said West Riding (which said Footpath will, if this Act should pass into a Law, also become useless and unnecessary).

For shutting up a Footpath leading from *Harebills* to *Red Hall*.

LVI. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby authorized and required, from and immediately

For shutting up another Lane in Roundhay.

[*Loc. & Per.*]

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immediately

immediately after the said Road shall be completed, to shut up and discontinue a certain Road or Lane, commencing at or near a certain Farm House in *Roundhay* aforesaid, now in the Occupation of *James Mallorie*, and extending from thence to the South Corner of a Close of Land also in *Roundhay* aforesaid, called *Lodge Hill*, near *Red Hall* aforesaid (which said last-mentioned Road or Lane will, if this Act should pass into a Law, become useless and unnecessary).

Power to
compel Pay-
ment of Sub-
scriptions.

LVII. And be it further enacted, That all Persons who have subscribed to pay any Money towards making and repairing the said Road, shall and he, she, and they is and are hereby required to pay his, her, and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

For securing
transient
Offenders.

LVIII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into 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, Riding or District near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders seized and apprehended, 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 some Petty Sessions to be holden within and for the said West 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.

Actions to be
brought in
the Name of
the Treasurer

LIX. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name of any One of the said Trustees on Behalf of the said Trustees, and

and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons, without the Consent of the said Trustees or any Five or more of them at a Meeting held in pursuance of this Act; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Trustees.

or Clerk, or
of Trustees.

who are not
to be liable
to the Pay-
ment of Costs

LX. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town, or Place where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, nor less than One Calendar Month, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Recovery and
Application
of Penalties.

LXI. And be it further enacted, That for the more speedy Conviction of all Offenders against this Act, all and every the Justice and 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 Form or to the Effect following:

Directing the
Form of
Conviction.

To wit. } BE it remembered, That on the Day of
in the Year of our Lord and in
the Year of the Reign of His Majesty
is convicted before of His Majesty's
Justices of the Peace for the by virtue of an Act of
Parliament made and passed in the Forty-eighth Year of the Reign of
His Majesty King George the Third, intituled [*here set forth the Title*
of this Act, and specify the Offence, and the Time and Place when and where
the same was committed.] Given under my [*or, our*] Hand and Seal [*or*
Hands and Seals] the Day and Year first before written.

Appeal.

LXII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the Second Division of the said West Riding of the County of *York*, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at least of his, her or their Intention to bring such Appeal and of the Matter thereof to the Treasurer or Treasurers or Clerk to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices in such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein and to award such Costs to either of the Parties or otherwise as they shall judge proper; and the said Justices may if they see Cause mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not
to be unlaw-
ful for want
of Form.

LXIII. And be it further enacted, That where any Distress shall be made for any Sum 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 Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distrained be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings
not to be
quashed for
want of
Form.

LXIV. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form, or be removed or removable by *Certiorari*, or by any other Writ of Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of
Action to be
given, Plain-
tiff not to re-
cover after
Tender of
Amends,

LXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action signed by the
Attorney

Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court, and if no Tender, Money may be paid into Court.

LXVI. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *York* and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his or their Election specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was lawfully done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case 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 Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law. Limitation of Actions, General Issue.

LXVII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders shall from Time to Time be made or Proceedings shall be had, or the major Part of such Trustees; and that such Book or Books shall be opened at all seasonable Times for the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward; and such Entries being so signed shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence thereof in all Courts whatsoever. Orders and Proceedings of Trustees to be entered in a Book to be kept for that Purpose, and the Originals or Copies thereof to be Evidence.

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

LXIX. And be it further enacted, That this Act shall commence and take place on the Second *Tuesday* next after the passing thereof, and shall Commencement and Continuance of the Act.
[*Loc. & Per.*] 3 M

be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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