



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 26.

An Act to continue the Term, and alter and enlarge the Powers of Three Acts of His late and present Majesty, for repairing the Road from *Tadcaster Bridge* within the County of the City of *York*, to a Place called *Hobmoor Lane End*.

[14th April 1808.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act to repair the Road leading from Tadcaster Bridge within the County of the City of York, to a Place near the said City called Hobmoor Lane End*: And whereas an Act was passed in the Eleventh Year of the Reign of His present Majesty King *George the Third*, intituled, *An Act to enlarge the Term and Powers of an Act made in the Eighteenth Year of King George the Second, to repair the Road leading from Tadcaster Bridge within the County of the City of York, to a Place near the said City called Hobmoor Lane End*: And whereas an Act was passed in the Thirty-second Year of His present Majesty's Reign, intituled, *An Act for continuing the Term and enlarging the Powers of Two Acts, passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, and the Eleventh Year of the Reign of His present Majesty, for repairing the Road leading from Tadcaster Bridge within the County of the City of York, to a Place near the said City called Hobmoor Lane End*: And whereas the Trustees appointed

[Loc. & Per.] 4 X

Trustees under the Acts have pro-

ceeded in the Execution thereof, but the Expences have increased, &c.

Acts further continued.

in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted; which Money still remains due and owing, and cannot be paid off, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said Acts is further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged; and it is necessary that the Tolls thereby granted and continued should be increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, and all and every the Powers, Provisions, Orders, Matters and Things therein contained (except such as relate to Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed), shall be and the same are hereby continued in full force, and shall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect at the End of One Calendar Month next after the passing of this Act, and be in Force during the Term hereby continued and granted: And this Act and the additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing upon the Credit of or on Account of the said respective Acts; and also of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Acts or of this Act, and of all Interest due and to grow due for the same respectively.

Additional Trustees.

II. And be it further enacted, That Sir *Thomas Vavafour*, Sir *Thomas Slingsby*, and Sir *Henry Carr Ibbetson* Barons, *William Milner*, *Richard Fountayne Wilson*, *John Barlow*, *D'Arcy Preston*, *John William Clough*, *James Walker*, *Thomas Swann*, and *Robert Swann* Esquires, *Robert Stephen Thompson* Clerk, *Thomas Shann*, *John Fearby*, and *John Fearby* the younger, Gentlemen, shall be and are hereby added to and joined with the Trustees for putting the said Acts and this Act in Execution; and the Trustees hereby nominated and appointed, and their Successors, together with the Trustees appointed by or in pursuance of the said recited Acts, shall be and are hereby fully authorized and empowered to put the said Acts and this Act in Execution.

Former Tolls repealed, and new ones granted.

III. And whereas the Tolls granted by the said recited Acts of the Eighteenth Year of His late Majesty, and the Eleventh Year of His present Majesty, have been found insufficient; be it therefore enacted, That the same shall, at the End of One Calendar Month next after the passing of this Act, be and the same are hereby repealed, and that instead thereof the several Tolls following shall or may be demanded and taken upon the said Road; (that is to say),

Tolls.

For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, Hearse, Phaeton, Vis-a-vis, Diligence, Caravan or Litter, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn

drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling:

For every Chaise or Chair drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

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

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

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

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

Which said respective Tolls shall be and the same are hereby vested in the said Trustees; and the same and every Part thereof shall or may be demanded, levied, recovered, applied, and disposed of in the same Manner, and to and for the same Uses, Intents, and Purposes, as in and by the said Acts is mentioned and declared with respect to the Tolls thereby granted: Provided always, that in computing the Tolls to be paid as aforesaid for any Waggon, Wain, or other Carriage having a Cart, commonly called a *Lighter*, behind the same, drawn along by being fastened thereto, which shall pass through any Gate or Toll Bar now or hereafter to be erected on the said Road, the said Cart or Lighter shall be charged separately and in addition to the said Waggon, Wain, or other Carriage, and shall be considered equal to and pay such and the same Sum of Money by Way of Toll as shall be due and payable at such Gate or Toll Bar for a Cart or other such Carriage drawn by Two Horses or other Beasts of Draught.

A Lighter to pay as a Cart with Two Horses.

IV. Provided always, and it is hereby enacted and declared, That not more than Three-fourth Parts of the Tolls herein-before granted shall be demanded or taken at the present Turnpike Gate upon the said Road near to the Town of *Tadcaster*.

Not more than Three-fourths of the Tolls may be taken at the present Bar.

V. And be it further enacted, That if the full Tolls herein-before authorized to be taken at the said Gate near *Tadcaster* shall at any Time be deemed in the Judgement of the said Trustees to be insufficient for the Purposes of this Act, then and in such Case it shall be lawful for them the said Trustees, and they are hereby authorized and empowered at any Meeting of Nine, or more of them, to be held for that Purpose (of which Meeting Ten Days previous Notice at least shall be given in some One or more Newspaper or Newspapers printed in the City of *York*), to order and direct an additional Gate or Toll Bar to be built and erected upon or across the said Road in such Part thereof as they shall think most expedient, and also a Toll House with suitable Outbuildings and Conveniences

If the Tolls taken at the present Gate be found insufficient, Trustees may erect another Gate.

Not more than One-fourth of the Tolls to be taken at the new Gate.

Clause in the Act of 18 G. 2. providing that there shall be no Turnpike Gate within Three Miles of York, repealed.

Manner of Recovery of Tolls.

at or near the said Gate or Toll Bar: Provided nevertheless, that not more than the remaining Fourth Part of the full Tolls herein-before granted shall be demanded or taken at such Turnpike Gate or Bar so to be erected.

VI. And whereas in and by the said Act of the Eighteenth Year of His said late Majesty's Reign, it is enacted and provided, that no Gate or Gates, Turnpike or Turnpikes, and Toll House or Toll Houses be placed nearer to the City of York than Three Miles: And whereas such Restriction hath been found detrimental to the said Road; be it therefore further enacted, That the same shall immediately, on the passing of this Act, be and is hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever.

VII. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the said Tolls, or of any additional Tolls for narrow Wheels, or for Overweight (respectively imposed by this Act, or by any other Act or Acts of Parliament concerning Turnpike Roads), shall, after Demand thereof made either at the Gate where such Toll shall be collected, or immediately after passing through the same, neglect or refuse to pay the same and every or any Part thereof, it shall be lawful for the Barkeeper or Collector, or his, her, or their Assistant or Assistants, to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall find necessary, and also, if necessary, to follow after and stop and detain the Horse, Carriage, or Cattle for which the said Toll shall not have been paid, and to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) upon Demand, and what shall remain unfold, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and in case the Driver of or Attendant upon any Carriage liable to be weighed shall pass any such Toll Bar or Gate, and the Engine erected thereat, before such Carriage shall have been weighed, then and in such Case it shall be lawful for the said Barkeeper or Collector, or his or their Assistant or Assistants (having previously required the same to be weighed, and being prepared to weigh the same), taking such Assistance as he, she, or they shall find necessary, to follow after and stop such Carriage, and to drive and take the same back to such Weighing Engine, and there to weigh the same.

Two Trustees may adjourn a Meeting.

The Clerk to the Trustees may sign the Orders of Adjournment.

VIII. And be it further enacted, That Two Trustees shall be a sufficient Number for the Purpose only of adjourning any Meeting; and that all Orders for Adjournment only may be signed by the Clerk to the said Trustees at any Meeting of Two or more of the said Trustees, and when so signed shall be deemed and taken to be original Orders, in like Manner as if the same were under the Hands of the said Trustees.

IX. And

IX. And be it further enacted, That if it shall happen that there shall not appear at any Meeting of the said Trustees, to be held under or by virtue of the said recited Acts or of this Act, a sufficient Number of Trustees to act or to adjourn, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, it shall be lawful for the Clerk to the said Trustees to adjourn such respective Meetings; and he is hereby required, by Notice to be inserted in some One or more Newspaper or Newspapers printed in the City of *York*, or to be affixed on every Turnpike or Toll Gate which shall be then erected on the said Road, at least Ten Days before the next Meeting, to appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to have been held, at any Time not exceeding One Calendar Month from the Day on which such last Meeting was appointed to have been held, and at the same Hour of the Day as was appointed for such last Meeting.

Power to the Clerk to adjourn Meetings.

X. And be it further enacted, That if, after any Adjournment of the said Trustees or of their Clerk, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Five or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in some One or more Newspaper or Newspapers printed in the City of *York*, or by Writing to be affixed on every Turnpike or Toll Gate which shall be then erected on the said Road, such Notice to set forth the Time and Place which shall be mentioned in the Order of the said Trustees (the Time not to be less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meeting had been held in pursuance of Adjournment.

Power to summon a Meeting of Trustees, when necessary.

XI. And whereas the Clauses or Provisions contained in the said Act of the Eighteenth Year of His late Majesty's Reign, for exempting several Persons and Things from the Payment of the Tolls or Duties by the said Act granted, have been found to be not sufficiently explicit, and therefore liable to Misconstruction; be it therefore further enacted, That the several Exemptions in the said Act contained shall be and they are hereby declared to be repealed, and null and void.

Present Exemptions repealed.

XII. And be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going to carry or convey, or returning after having been carrying or conveying, having been employed only in carrying or conveying on the same Day, any Quantity of Stone, Brick, Timber, Wood, Lime, Gravel, or other Materials for repairing of the said Road, or building or repairing any of the publick Bridges on the same, or for amending any of the Highways or publick Bridges in the Parishes or Townships through which any Part of the said Road doth pass, or in the Parishes or Townships immediately adjoining upon and contiguous to such first-mentioned Parishes or Townships, or any of them; or going or returning for or with any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up in the Outhouses or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going empty

New Exemptions.

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to

to carry or convey, or returning after having been carrying or conveying, having been employed only in carrying and conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Sullage, Compost, or Manures employed in Husbandry for manuring or improving Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to or returning after having been shod or farried; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or any Day of publick Fasting or Thanksgiving appointed by Royal Proclamation; or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or for any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty; or for any Horses, Cattle, or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggon, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them laden with their Arms or Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exercise or of permanent Duty, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions aforesaid; or for any Horses, Carts, or Waggon, employed in the conveyance of Vagrants sent by legal Passes; or for any Horse, or any Coach, Chaise, or other Carriage, respectively employed in the conveyance of any Person or Persons who shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, or a Citizen or Citizens to serve in Parliament for the said City of *York*, on the Day or Days of Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid, or any other Exemptions from Toll granted by this Act, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of such Tolls or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings over and above such Toll.

Waggon,
&c. carrying
Materials for
repairing
Tadcaster
Mills exempt
from Toll.

Exemption
of Corn, &c.
ground at the
Mills.

XIII. Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horses employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Quantity of Stone, Brick, Timber, Wood, Gravel, or other Materials for repairing certain Mills called the *Tadcaster Mills*, or the Dams or Weirs thereto belonging; nor for any Horse, Beast of Burthen, Waggon, Wain, Cart, or Carriage laden with or employed in carrying Corn or Grist to or from the said Mills, or any other Mill now erected or hereafter to be erected in the Parishes or Townships through which any Part of the said Road doth pass, or in any Parish or Township immediately adjoining upon and contiguous to the same, or any

of them: Provided always, that the same Exemption from Tolls shall not extend to any other Cattle or Carriages than those laden with or employed in carrying Corn or Grist, for the Grinding whereof Hire or Moulder shall be taken at the said Mills respectively.

XIV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend to, prejudice, defeat, or interrupt the Right or Claim of the Right Honourable George Earl of Egremont, to any Toll or Duty paid or payable for or on Account of the passing of Carts and Waggon over and along the Common or Moor called *Tadcaster Low Moor*, but that the same shall and may be received and taken in such Manner and for such Purposes as before the passing of this Act.

Not to prejudice the Earl of Egremont's Toll.

XV. And be it further enacted, That all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees, being Justices of the Peace, may act as such.

XVI. And be it further enacted, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said former Acts or this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of the said recited Acts or this Act.

Mortgagees not deemed unqualified.

XVII. 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.

Toll Collectors competent Witnesses.

XVIII. And whereas great Injury may be done to the said Road by Farmers or Renters of the Tolls inducing Persons to travel on the said Road, who would otherwise have made use of other Roads, by receiving from such Persons a small and inadequate Composition for the Tolls of Carriages liable to be weighed in respect of the Tolls for Over-weights; be it further enacted, That if any Farmer or Farmers, or Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the said Road, his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any other Person or Persons, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the said Road, for and in respect of the Over-weight thereof, every such Farmer or Renter, Deputy or Agent so offending, shall on Conviction thereof, by Confession or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County of *York*, or for the City of *York* and County of the same, forfeit and pay the Sum of Ten Pounds; and every such Farmer or Renter shall also forfeit his or their Contract for renting the Tolls, if the Trustees shall think fit to vacate the same, and every such Composition shall be and the same is hereby declared to be null and void; and that One Half of every such

Penalty on Renters of the Tolls compounding for Over-weight.

Penalty

Penalty or Forfeiture as aforesaid shall be paid to the Informer, and the other Half to the Surveyor of the said Road, to be employed towards the Repair thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal of such Justice or Justices as aforesaid.

For prevent-
ing Annoy-
ances.

XIX. And be it further enacted, That if any Person shall, without sufficient Cause, leave any Waggon, Cart, or other Carriage, longer than may be necessary, in, upon, or on the Side of any Part of the said Road, without any Horse or other Beast of Draught yoked thereto, or to draw the same; or shall knowingly or wilfully lay any Sort of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Sides thereof, to the Prejudice thereof; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road any Tree or Piece of Timber or Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheeled Carriage to drag or trail upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall slaughter, finge, scald, or dress any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in or upon any Part of the said Road; or hew or saw any Piece of Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage; or (except in Cases of Accidents) shoe, bleed, or farry any Horse or other Beast in or upon any Part of the said Road; every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in such Manner as is herein-before directed as to the Penalty upon Collectors of Tolls, or their Deputies or Agents compounding for the same.

Penalty for
riding on
Footpaths.

XX. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter travel on Horseback or in Carriages, or lead or drive any Horse, Carriage, or Cattle upon any Foot Road or Way now made or hereafter to be made on the Side of the said Turnpike Road for the Accommodation of Foot Passengers going to and from the said City of York (except only in crossing such Foot Road or Way to the Lands and Grounds of any Person or Persons adjoining thereto), and shall be convicted thereof by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any One or more of the Justices of the Peace for the West Riding of the County of York, or for the City of York and County of the same City, every such Person so offending shall forfeit and pay such Sum of Money as such Justice or Justices of the Peace shall adjudge, not exceeding Forty Shillings; the same to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal of such Justice or Justices as aforesaid; such Forfeitures to be applied in recompensing the Informer, according to the Discretion of such Justice or Justices, and in repairing such Foot Road or Way; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing any Part or Parts of the said Turnpike Road.

Persons re-
fusing to pay
Penalties, or
having no

XXI. And be it further enacted, That in case the said Penalties or Forfeitures, or any other Penalties or Forfeitures hereby inflicted or authorized to be imposed, shall not be forthwith paid, and in case the Person or
Persons

Persons respectively offending and convicted shall have no Goods or Chattels within the Jurisdiction of the Justice or Justices of the Peace before whom such Conviction shall take place, then it shall and may be lawful for any One or more of such Justices as aforesaid, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of the said County of York, or of the City of York, as the Case may be, for any Time not exceeding the Space of One Calendar Month, there to remain without Bail or Mainprize, unless such Penalty or Forfeiture and all reasonable Charges shall be sooner paid and satisfied.

XXII. And be it further enacted, That upon any further Sum of Money being borrowed by the said Trustees, at Interest on the Credit of the Tolls arising by virtue of this Act, the said Tolls, or any Part thereof, shall and may be assigned or mortgaged by the said Trustees (or any Nine or more of them) to the Person or Persons who shall advance such further Sum or Sums of Money, by any Writing under their Hands in the following Words, or any other Words to the like Effect; (that is to say),

‘ BY virtue of an Act, passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here set forth the Title of this Act] we of the Trustees for executing the said Act and the several Acts therein mentioned, in Consideration of the Sum of to the Treasurer of the said Road in Hand paid by A. B. of do hereby grant, bargain, sell, and demise unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof, or charged upon the Term of the said Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the same Sum of with Interest at the Rate of per Centum per Annum, shall be sooner repaid and satisfied.’

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of this Act or of the said former Acts, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her, or their Hand or Hands, transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement or otherwise, in the following Words, or Words to the like Effect; (that is to say),

‘ I Do transfer this Mortgage [or, a certain Mortgage, describing the Date and Particulars], with all my Right and Title to the Principal thereby secured, and all the Interest now due and hereafter to grow due on the same, unto C. D. of his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord Witness, E. F.’

[Loc. & Per.]

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‘ A. B.’

Which

Goods where-
ever to levy,
the same to
be committed
to prison.

Form of a
Security for
Money bor-
rowed.

Form of
Security.

Mortgages
to be entered
in Books.

Transfer.

Which said Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Five Shillings; and every such Transfer so registered as aforesaid shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person to whom the same shall be last transferred, to make void, release, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in Proportion to the Sum or Sums thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Money, or the Dates of the Securities.

Old Mortgages may be called in, and new ones granted.

XXIII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Acts or any of them, and give and execute another Mortgage or other Mortgages, instead and in lieu thereof respectively, in Manner as herein-before directed.

Persons liable to Statute Work - chargeable with Repairs of the Road.

XXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road shall be situate, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, 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, Townships, 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 of every such Parish, Township, 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 to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and

Restrictions

Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the publick 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 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 at 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, or 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 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 the said Act or 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 usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the publick 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 to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said 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 Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Acts or any or either of them is particularly mentioned, such Money shall, in case the same shall amount to 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 said recited Acts and this Act, to the Intent that such Money shall

Application
of Compensation where
exceeding
200l.

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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or 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 or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where Com-
pensation is
less than 200*l.*
and exceeds
20*l.*

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands 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 Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than 20*l.*

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than

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 and Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, 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.

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

In case of not making out Titles;

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or

Upon any Question of Title to the Money so to be paid, Persons then in Possession to be deemed entitled thereto.

[*Loc. & Per.*]

5 A

Hereditaments,

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 therein.

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

XXX. 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 the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Application of the Money.

XXXI. And be it further enacted, That out of the Money already raised upon the Credit of the said recited Acts, or out of the first Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place, and in preference to all other Payments whatsoever, pay and discharge all the Expences and Costs relative to procuring and passing this Act, together with Interest for the same, from the passing of this Act to the Day of Payment thereof; and the Remainder of the Money so raised shall from Time to Time be applied in putting this and the said recited Acts in Execution, and in repaying the principal Monies borrowed and to be borrowed by virtue of the said recited Acts or this Act, and the Interest due and to grow due thereupon respectively.

Publick Act.

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

Commencement and Continuance of this Act.

XXXIII. And be it further enacted, That the Term granted and continued by the said recited Acts shall at the End of One Calendar Month next after the passing of this Act cease and determine; and that the said Acts and this Act (subject to the Alterations, Variations, and Additions herein-before contained) shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.