



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 111.

An Act for making and maintaining a Road from *Long Preston* to *Sawley*, in the West Riding of the County of *York*. [21st May 1811.]

WHEREAS the present Road from *Long Preston* to the Village of *Sawley*, in the West Riding of the County of *York*, is in many Parts narrow, and in very bad Repair; and the Course thereof is for the most Part hilly and dangerous to Travellers; and the same might be diverted to the great Advantage of the Public by changing the Course thereof over *Monubent*, through *Bolton* nigh *Bowland*, and thereby opening a much shorter and better Communication between the two extreme Points of the said Road: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the Honourable *Frederick Robinson*, the Honourable *Thomas Lister*, *Thomas Altham*, *William Ash*, *William Ayrton*, *John Bolton*, *Thomas Seleck Brome*, *Harry Brome*, *William Birtwhistle*, *Robert Birtwhistle*, *William Brown*, *William Birkbeck*, *John Birkbeck*, *Benjamin Birkbeck*, *William Bolland*, *Thomas Brown*, *William Batty*, *Anthony Brown*, *William Buck*, *William Boocock*, *Thomas Collins* Doctor in Divinity, *Thomas Cust*, *Danson Richardson Curren*, *John Coulthurst*, *John Coulthurst* the Younger, *Thomas Cockshott* of *Bracewell*, *John Cockshott*, *Thomas Cockshott* the Younger, *William Clayton*, *Thomas Clayton*, *William Clayton* the Younger, *John Clapham* Clerk, *Thomas Clapham*, *William Carr*, *Richard Carr*, *William Carr* the Younger, *Thomas Chamberlain*,
[Loc. & Per.]

George Clapham, Thomas Cockshott of Wiglesworth, William Cockshott, Adam Cottam, Richard Dawson Clerk, William Ellis, Lister Ellis, James Farrer, James William Farrer, Oliver Farrer, Thomas Farrer, William Loxham Farrer, John Foster, John Foster the Younger, William Foster, James Foster, John Geldard, Robert Geldard, James Hamerton, James Hamerton the Younger, Richard William Hamerton, George Horner, Henry Heaton, John Hargreaves, Richard Hargreaves, Richard Hartley, Richard Hardacre, Edward Hall, John Hartley, William Hartley, Bryan Hesteden, Francis Howson, John Abbotson Ingleby, Charles Ingleby, Arthur Ingleby, Thomas Ingleby, Thomas Johnson, Stephen Johnson, Henry Johnson, Christopher Johnson, Rowland Ingram Clerk, Samuel Jackson, William King, Edward King, John Kayley, John Kayley the Younger, James Kayley, Anthony Lister, Anthony Lister Clerk, William Lawson, Thomas Moor, Thomas Lister Parker, John Parker Clerk, William Parker Clerk, Thomas Peel, John Peart, William Peart, John Preston Clerk, Cooper Preston, John Preston, Robert Procter, John Procter, William Preston, William Roundell Clerk, Richard Henry Roundell, Henry Dawson Roundell, Savile Richardson Roundell, Septimus Ward Roundell, Josias Robinson, Giles Redmayne, William Sutcliffe, John Slinger, Thomas Stackhouse, John Swale, Anthony Stackhouse, Thomas Jepson Starkie, Stephen Tempest, James Taylor, Andrew Tetlow, John Tennant, William Tipping, Matthew Wilson, Henry Wiglesworth Clerk, John Wilkinson, Leonard Wilkinson, Richard Wilkinson, Francis Edward Witts Clerk, Robert Waddington, Thomas Wilson Clerk, Thomas Wilson, John Whaley, Thomas Yorke, John Yorke, Edmund Yorke, and William Young, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for making, maintaining and keeping in Repair a Road leading from the Town of Long Preston aforesaid, by Cow Bridge, over Monubent, through Bolton nigh Bowland, to join the present Turnpike Road from Gisburn to Clithero in or near the Village of Sawley aforesaid; and for otherwise putting this Act in Execution with regard to the said Road.

Power to
chuse new
Trustees.

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

Qualification
of Trustees.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be possessed of an Estate in Lands, Tenements, or Hereditaments in the said Counties of York and Lancaster, or one of them, of the clear Yearly Value of One hundred Pounds above Reprizes, or possessed of or entitled to a Personal Estate of the Amount or Value of Two thousand Pounds, or unless such Person shall be Heir Apparent to a Person possessed of and
Estate

Estate in Lands, Tenements or Hereditaments of the clear Yearly Value of Two hundred Pounds, in the said Counties of *York* and *Lancaster*, or one of them; and if any Person not qualified as aforesaid, shall presume to act 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 inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Essoign, Protection or Wager of Law, or more than one Imparance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; and no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

Penalty on acting if not qualified.

No interested Trustee to act; nor any Victualler, or menial Servant of a Trustee to hold a Place of Profit.

IV. Provided always, and be it further enacted, That all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified to act according to the Directions of this Act.

Acts of unqualified Trustees before Conviction to be valid.

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced, by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act; but that the Treasurer or Clerk for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Damages and Expences, as by the Event or in Consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of their Treasurer or Clerk.

Treasurer or Clerk to be reimbursed their Expences.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Boor's Head Inn*, in the Town of *Long Preston* aforesaid, on the last Day in the Month next after the passing of this Act, unless such Day shall happen on a *Sunday*, and in that Case on the Day preceding such *Sunday*, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act, and adjourn

First Meeting of Trustees.

Power to
adjourn.

adjourn themselves from Time to Time, and afterwards meet there or at any other Place on or near the said Road, as the said Trustees or any Five or more of them shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes and Toll-gates which shall then be erected upon the said Road, and inserted in some Newspaper which shall be then circulated in the said Counties, at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was appointed to have been held on such future Day as shall be specified in such Notice, not exceeding Three Calendar Months after the Day on which such Meeting was held or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at *Long Preston* aforesaid, or at some convenient House on or near the said Road, upon some convenient Day within Four Weeks next after the Date of such last-mentioned Notice; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on
Emergencies.

VII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the respective Meetings shall have been adjourned, the Clerk to the said Trustees, being authorized by an Order in Writing signed by Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, and Place and Purpose of such Meeting, shall forthwith give Notice thereof in 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 Twenty Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment; and such Meeting shall and may be adjourned or be appointed to be held in such Manner as other Meetings under this Act are hereinbefore directed to be adjourned or appointed to be held, notwithstanding any former Adjournment to the contrary.

Majority of
Trustees
assembled to
concur in all
Orders.

VIII. And be it further enacted, That all the Orders and Determinations of the said Trustees, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein mentioned), and no Order or Determination shall be made, unless the major Part of the Trustees,

Trustees present at any Meeting shall concur therein; and all such Trustees as are or may be 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.

IX. And be it further enacted, That no Order made by any Five or more of the said Trustees respectively shall be revoked or altered unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order shall be made, and unless Twenty-one Days' Notice shall be given by Five Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a view to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice shall be given by the Clerk, Fourteen Days at the least before such Meeting, to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order.

How Orders of Trustees may be revoked or altered.

X. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept or that Purpose, and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or the major Part of them; which said Book or Books, and also the Books hereinafter directed to be kept for registering Mortgages and Assignments of the Tolls, or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies or Disputes, touching any Thing done or to be done by virtue or in pursuance of this Act, or in anywise relating thereto; and the Meeting or Meetings at which such Orders or Proceedings shall be made or had, shall be deemed to have been regularly and legally held, and such Orders and Proceedings regularly and legally made or had without any other Evidence than the Book or Books containing such Orders or Proceedings, unless such Meeting or Meetings, Orders or Proceedings shall, on the Face of such Book or Books, appear to be irregular or illegal.

Proceedings to be entered in a Book, and signed.

XI. And be it further enacted, That the said Trustees or any Five or more of them, at their First or any subsequent Meeting as Occasion shall require, may by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise, and may be due and payable by virtue of this Act; and also a Surveyor or Surveyors and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them,

Trustees may appoint Officers,

and remove them.

[Loc. & Per.]

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shall

Officers to
account.

shall seem proper; and every Officer and Person who shall be appointed as
afore said, shall from Time to Time, when thereunto required by the
said Trustees, or any Five or more of them, by Writing under their
Hands, make out and deliver to such Trustees, or to such Person or
Persons as they, or any Five or more of them, shall for that Purpose
appoint, a true and perfect Account in Writing under his or her Hand,
of all Monies which shall have been by him or her had, collected or
received, and how, and to whom, and for what Purpose the same and
every Part thereof hath or have been disposed of, together with the
Vouchers and Receipts for such Payments, and shall verify such Accounts
upon Oath, if thereunto required by the said Trustees or any Five or
more of them (which Oath the said Trustees or any One of them are or
is hereby empowered to administer), and every such Officer or Person
shall and he is hereby required to pay all such Monies as upon the
Balance of such Account shall appear to be owing from him or her to
such Person or Persons as the said Trustees or any Five or more of them
shall appoint to receive the same; and if any such Officer or Person
shall refuse or neglect to render and deliver such Account as afore said,
or to produce and deliver up the Vouchers and Receipts relating to the
same, or to verify the Articles thereof upon Oath, or to pay the
Balance thereof, when thereunto required in Manner afore said, or shall
refuse or neglect to deliver up to the said Trustees or any Five or more
of them, or to such Person or Persons as they or any Five or more of
them shall appoint, within Seven Days after being thereunto required by
the said Trustees or any Five or more of them, or by such other Person
or Persons, all Books, Papers and Writings in his or her Custody or
Power, relating to the Execution of this Act, then and in every such
Case, Complaint being made thereof by the said Trustees, or any Five or
more of them, or by any Person or Persons on their Behalf, of any such
Neglect or Refusal, to any Justice of the Peace for the County, Riding
or Place where the Officer or Person so neglecting or refusing shall live
or reside, such Justice may and he is hereby authorized and required,
by Warrant under his Hand and Seal, to cause such Officer or Person
to be brought before him, and upon his or her appearing, or not
being to be found, to hear and determine the Matter of such Com-
plaint in a summary Way, and to settle the said Account, if produced,
in such Manner as the said Trustees, or any Five or more of them,
might have done; and if upon the Confession of the Officer or Person
against whom such Complaint shall be made, or by the Oath or Oaths of
any credible Witness or Witnesses, it shall appear to such Justice that
any of the Monies which shall have been collected or received, shall be
in the Hands of or owing from such Officer or Person, such Justice may
and he is hereby authorized and empowered, upon Non-payment thereof,
by Warrant under his Hand and Seal, to cause such Money to be levied
by Distress and Sale of the Goods and Chattels of such Officer or Person
respectively; and if no Goods or Chattels can be found sufficient to
answer and satisfy the said Monies, and the Charges of taking and making
such Distress and of selling the same, or if such Officer or Person shall
not appear before the said Justice at the Time and Place appointed for
that Purpose, without some reasonable Excuse, or if appearing shall
refuse or neglect to make out and deliver to the said Justice such
Account in Writing as afore said, or to verify the same on Oath as afore-
said (if so required by the said Justice), or to produce and deliver
up

up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County, Riding or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized, directed and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and in such Case, and also in case such Collector or Receiver of the Tolls shall die, the said Trustees or Two or more of them shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable in the same Manner in all respects as the Person who shall so die or be discharged would have had or would have been subject to: and 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 Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person shall refuse to deliver up the Possession of any Toll-gate or Toll-house, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpose

Purpose by any Two or more of the said Trustees (although not assembled at a Meeting) or by the Clerk or Treasurer to the said Trustees for the Time being, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said Riding, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in the Possession of the said Gate, together with his, her, or their Goods out of and from the same, and to put the said Trustees, or any One of them, or such new-appointed Collector or Receiver, into the Possession of such Toll-gate, Toll-house and Appurtenances.

Power to
erect Toll-
gates, &c.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, as they shall think proper, erect and set up or cause to be erected and set up any Turnpike or Turnpikes, Toll-gate or Gates, Bar or Bars, Chain or Chains, in, upon or across any Part or Parts of the said Road, and upon the Sides thereof, across any Lane or Way leading into or out of the same, such Lane or Way not being a Turnpike Road, and may also erect or provide a Toll-house, with suitable Outbuildings and Conveniences at or near each Toll-gate; and may from Time to Time afterwards remove, alter or discontinue such Turnpikes, Toll-gates, Bars, Chains or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and also may take in and inclose from the Side of the said Road convenient Garden Spots for the Toll-houses respectively, not exceeding One eighth Part of an Acre to each Toll-house; and that the respective Sums of Money following shall be demanded and taken at each and every of such Toll-gates, Chains and Bars from the Owner or Owners of or Person or Persons using or attending any Horse, Beast, Cattle or Carriage, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize and appoint for that Purpose, before any such Horse, Beast, Cattle or Carriage shall be permitted to pass through the same; (that is to say)

Power to
take Tolls.

Tolls.

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny:
 For every Score of Oxen, or Neat Cattle, the Sum of Ten Pence; and so in proportion for any greater or less Number:
 For every Score of Calves, Sheep, Lambs or Swine, the Sum of Five Pence; and so in proportion for any greater or less Number:
 For every Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Caravan, Hearse, Litter or other such Carriage, drawn by Five, Six or more Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Eight Pence:
 For every Chaise or Chair, or other such like Carriage drawn by One Horse or other Beast of Draught, the Sum of Four Pence:
 For every narrow-wheeled Waggon, Wain, or other such Four-wheeled Carriage, drawn by Three or Four Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Nine Pence:
 For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by
 Five

Five or Six Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling; 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 Waggon, Wain or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, drawn by Seven or Eight Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five or Six Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Two Horses or other Beast or Beasts of Draught, the Sum of Four-pence:

For every Nine-inch wheeled Waggon, Wain or other such Four-wheeled Carriage, rolling a flat Surface of Sixteen Inches, drawn by Four, Five, Six, Seven or Eight Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, or Two or Three Horses or other Beast or Beasts of Draught, the Sum of Eight-pence:

For every Narrow-wheeled Cart or other such Two-wheeled Carriage, drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

XV. And be it further enacted, That it shall be lawful for the respective Toll-gatherers or Collectors on the said Road, and they are hereby authorized and empowered on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year during the Continuance of this Act, to demand and take for and in respect of each and every Carriage, Horse, Beast or other Cattle passing through any Gate or Turnpike upon the said Road, double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the same respectively on any other Day of the Week, before such Carriage, Horse, Beast or other Cattle shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes. Double Toll
on Sundays.

XVI. Provided always, and be it further enacted, That no more than Three full Tolls shall be demanded or taken for or in respect of any Tolls. Limitation of
Tolls.

[*Loc. & Per.*]

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Horse,

Horse, Beast, Cattle or Carriage which shall in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) pass through all the Turnpikes or Toll-gates to be erected upon, across or on the Sides of the said Road or any Part thereof.

Tolls vested
in the
Trustees.

XVII. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Cattle or other Thing, upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness or Accoutrements, or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Cattle, Carriage or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unpaid upon Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted.

Toll upon
Four-wheeled
Carriages
having Two
Wheels of
less Breadth
than Six
Inches.

XVIII. And to obviate any Doubts which may arise with respect to such Four-wheeled Carriages as consist of Two Wheels of the Breadth of Six Inches, and Two of a less Breadth; be it further enacted, That all such Carriages with Four Wheels, Two whereof shall be of a less Breadth than Six Inches, although the other Two shall be of a greater Breadth, which shall pass through any Gate or Turnpike to be erected upon the said Road, shall be liable to and charged with the Tolls and Duties by this Act imposed upon every Waggon, Wain or other Four-wheeled Carriage having the Fellies of the Wheels of less Breadth than Six Inches.

Power to
vary Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees or any Five or more of them shall think proper; and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls hereinbefore mentioned; and also from Time to Time to direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts or Proportions at the several Turnpike Gates to be erected upon the said Road in pursuance of this Act, as they shall think proper; and that such
reduced

reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied and applied; but that no Meeting shall be held for the Purpose of lessening, reducing or advancing all or any of the said Tolls, unless Twenty Days' previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll-gates which shall be erected upon the said Road.

XX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed or taken to extend to authorize or empower the said Trustees to erect or cause to be erected any Turnpike or Toll-house, or to demand or take, or cause to be demanded or taken any Toll upon, across or on either Side of that Part of the said Road which lies within the Township of Sawley aforesaid.

No Toll to be taken within the Township of Sawley.

XXI. And be it further enacted, That if any Person or Persons shall ride, drive, go or pass with any Horse, Beast, Cattle or Carriage through or over any Gate, private Passage, Land, Ground or Place lying by the Side of or near to any Part of said Road, or if any Person or Persons owning or occupying any Land, Ground or Place situate as aforesaid (the same not being a public Highway or Road to or from some Mill), shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle or Carriage through or over such Gate, private Passage, Land, Ground or Place in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof, or whereby or by Means whereof any such Evasion shall take place or be effected, or if any Person or Persons shall take off, or suffer to be taken off any Horse or other Beast from any Carriage either before or after having passed through any Toll-gate, or having passed through any Toll-gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road, any Horse or Horses or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll-gate with any Horse or other Cattle or Beast without Payment of Toll; or if any Person or Persons shall do any other Act in order or with Intent to avoid or evade the Payment of said Tolls or any Part thereof, all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds (over and besides such Damages and Punishments as he, she or they shall otherwise be liable to by Law), to be recovered in such Manner as is hereinafter provided for the Recovery of Penalties and Forfeitures, one Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Penalty on avoiding Tolls.

XXII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to detain the same, or the Money arising from the Sale thereof (as the Case may

Disputes concerning Tolls how to be settled.

may happen) until the Amount of Toll due, and the Charges of seizing, distraining, keeping and selling (as the Case may happen) shall be ascertained by one or more Justice or Justices of the Peace for the said Riding, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed, shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus, after the Sale thereof or of any Part thereof.

Collectors of
Tolls compe-
tent Witnesses.

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

General
Exemptions
from Tolls.

XXIV. And be it further enacted, That none of the Tolls hereby authorized to be taken, shall be demanded, taken or received at any of the Toll-gates, Bars or Chains to be erected upon the said Road for any Horses, Cattle or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers, or returning empty after having been so employed; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor from any Rector, Vicar or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her or their Parochial Church, Chapel or other usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any other Person or Persons who shall die and be buried in any Parish, Township, Chapelry, Hamlet or Place through which any Part of the said Road lies; nor for any Horses, Beasts, Cattle or Carriages
used

used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *York*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded, or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Straw, or Corn in the Straw, Turnips or Potatoes for the Use of the Owner and not for Sale, or purchased, or of carrying or conveying any Dung, Mould, Marle, Soil, Manure or Compost (other than Lime) to be used only for manuring of Land, or going or returning empty in that Employment; nor for any Horse, Beast, Cattle or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow or other Implement of Husbandry be also laden with some other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast or Cattle passing to or repassing from Water or Pasture; nor for any Horse, Beast or other Cattle when going to or returning from being shod or farried, not beyond the Distance of Four Miles; nor for any Horse, Beast or Cattle used or employed for the Purpose only of carrying or conveying Gravel, Stones, Sand or other Materials, for the making or repairing any Highway or public Road within any such Parish, Township, Chapelry, Hamlet or Place as aforesaid, or for rebuilding, building or repairing any present or any future Bridge or Bridges on the said Road; nor for any Horse, Beast, Cattle or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on
fraudulently
taking
Benefit of
Exemptions.

XXV. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen in such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary thereof notwithstanding.

Waggons
conveying
Military
Stores not
subject to
Penalties for
Overweight.

XXVI. And be it further enacted, That if any Farmer, Renter or Collector of the said Tolls, shall demand and take or cause to be demanded and taken from any Person or Persons any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay any Sum

Penalty on
Collectors
&c. taking
greater or
less Tolls
than allowed.

[*Loc. & Per.*]

25 R

not

not exceeding Ten Pounds and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees, or any Five or more of them, shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in Manner hereinafter mentioned: Provided always, that if the Justice, by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Toll-gates,
Houses, &c.
vested in
Trustees.

XXVII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll-gates and Toll-houses, and the several Conveniences and Appurtenances thereto belonging, which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles and Things which shall be purchased, collected or provided for the Purposes of this Act, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to sell or dispose of the same, as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Appurtenances, or shall break down, or damage, steal or take away any of such Turnpikes, Toll-gates, Toll-houses, Conveniences, Appurtenances, Materials, Articles or Things, or disturb them, or their Agents, or Servants in the Possession thereof.

Tolls may be
leased.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (at any Meeting whereof Fourteen Days' Notice shall have been given in Writing, and affixed upon all the Toll-gates then erected on the said Road, and inserted in some Newspaper circulated in the Neighbourhood of the said Road), from Time to Time to demise or let to farm, or agree to demise or let to farm all or any of the Tolls arising by virtue of this Act, and all or any of the Toll-houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithstanding.

Tolls may be
compounded
for.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term not exceeding One Year at any one Time with any Person or Persons for any Carriage or Carriages, Horses, Beasts or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts or Cattle; and such Composition Money shall be paid in advance Quarterly or

or otherwise as the said Trustees shall think fit, and in Default thereof the Composition to be void.

XXX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or letting thereof, then and in either of those Cases the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll-house or Toll-houses, and the Buildings, Gates and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit), to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers; and the same shall be utterly void to all Intents and Purposes (save as to Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants or Agreements on the Lessees Part), as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract or Agreement had been made relative thereto.

Enabling the Trustees to take Possession of Toll-houses when let to farm.

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

Power to borrow Money, and to assign Tolls.

BY virtue of an Act passed in the Fifty-first Year of the Reign of His present Majesty King George the Third, intituled [*Here inserts the Title of this Act*] We of the Trustees for putting the said

Form of Mortgage.

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

Copies of
Mortgages
to be entered
in a Book.

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

Form of
Transfer.

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

Which must
be entered
with the
Clerk.

Which Transfer shall be produced and notified to the Clerk or Treas-
 urer to the said Trustees, who shall cause an Entry or Memorial to be
 made thereof in the before-mentioned Book or Books, specifying the
 Date, Names of the Parties, and Amount of the Sum transferred, for
 which Entry the said Clerk or Treasurer shall be paid the Sum of Five
 Shillings and no more; and such Transfer shall then entitle such
 Assignee or Assignees, his, her or their Executors, Administrators and
 Assigns to the Benefit thereof and Payment thereon: and such Assignee
 or Assignees may in like Manner assign or transfer the same again and
 so *toties quoties*; and it shall not be in the Power of any Person or Per-
 sons (except the Person or Persons to whom the same shall be last
 transferred) to make void, release or discharge the original Security or
 any Monies thereby due or any Part thereof.

No Prefer-
ence among
Creditors for
the Money
raised under
this Act.

XXXII. Provided always, and be it further enacted, That no Pre-
 ference shall be given to any Person or Persons who shall or may
 advance any Sum or Sums of Money upon the Credit of this Act, in
 respect of the Priority of having advanced or of advancing any such
 Sum or Sums of Money, but that all Persons to whom such Mortgages
 or Assignments shall be made as aforesaid, shall be, in proportion to the
Sum

Sum or Sums of Money therein mentioned, Creditors on the same Tolls in equal Degree one with another.

XXXIII. And be it further enacted, That out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them shall, in the first place, pay and discharge all Costs and Expences relative to the procuring and passing this Act; and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money to be borrowed in pursuance of this Act, and the Interest to grow due thereon, and in making, repairing, widening, improving and rendering commodious the said Road, and in otherwise putting this Act in Execution; and to or for no other Use or Purpose whatsoever.

Application
of the Tolls
and Money
to be
borrowed.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, take and carry away any Materials for making or repairing the said Road, or building, rebuilding, or repairing any Toll-house or Toll-houses, on or by the Sides thereof, or any Bridge or Bridges thereon, out of any River or Brook, or out of or from any Waste or Common in any Township, Hamlet, Parish or Place in which any Part of the said Road lies, or in any adjoining Township, Hamlet, Parish or Place, without paying any Thing for such Materials, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing, or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds, for or with such Materials (such Damages to be ascertained as hereinafter mentioned); and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, take and carry any such Materials in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace at their next General Quarter Session, or at the Second General Quarter Session at the farthest, to be holden for the Riding wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle and determine the Matter of such Payments and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Power to get
Materials.

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

XXXV. Provided nevertheless, and be it further enacted, That no Surveyor or any other Person or Persons acting under the Authority of this Act, shall first begin to dig, gather, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Land, until Notice in Writing signed by the said Surveyor shall have been given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner or Occupier's usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two Justices of the Peace acting for the said Riding, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Two Justices shall, if they shall think proper, authorize such Surveyor or other Person to dig, gather, take and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or any Five or more of them, or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; and the Order of such Trustees or Justices respectively shall be final and conclusive to and upon all Parties.

Penalty on taking away Materials raised by Surveyor.

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

Surveyor may remove Annoyances.

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

shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect or refuse to lop, top, cut down or remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen, or deepen such Water-courses or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered; and every Person so neglecting or refusing shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

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

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make and keep in Repair, or cause to be made and kept in Repair any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Road, in such Manner as they shall see convenient, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and erect, rebuild and keep in Repair Bridges and Arches upon the said Road, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road (such Grounds respectively not being the Site of or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House or any inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of by all Passengers, Cattle and Carriages

Penalty for erecting Encroachments on the Side of the Road.

Power to make Causeways and Drains.

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

Penalty on
Persons riding
or driving
Cattle, &c.
on the Cause-
ways.

XL. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or any other Way or Ways to be made upon the said Road, for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings; and if any Horse or Horses, Cattle or Swine shall be found wandering or depasturing upon or on the Sides of any Part of the said Road, the Owner or Owners of such Horse or Horses, Cattle or Swine shall respectively forfeit and pay any Sum not exceeding Ten Shillings to the said Surveyor or Surveyors, and he and they is and are hereby authorized and required to cause all such Horses, Cattle or Swine as shall be found wandering or depasturing upon the said Road, or on the Sides thereof, to be impounded until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over and above the usual Fee to the Proprietor or Keeper of the Pound where such Horse or Horses, Cattle or Swine shall be so impounded; and if any Proprietor or Keeper of any such Pound shall refuse to receive, or after being impounded as aforesaid, shall release any such Horse or Horses, Cattle or Swine, without the Consent of such Surveyor or Surveyors, every such Proprietor or Keeper shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them in leading or driving such Horse or Horses, Cattle or Swine to Pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Power to
enter upon
Land to stake
out and make
the Road,
&c.

XLI. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Five or more Trustees at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to make and open, or cause to be made and opened the said Road, for the Accommodation of Passengers through any private Lands, Grounds or Hereditaments, under such Terms and Satisfaction as are hereinafter mentioned; and also through any
Commons

Commons or Waste Grounds without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds or Hereditaments through which or whereupon the said Road hereby authorized to be made or altered is intended to pass, and to stake out and make the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty or Punishment for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds and Hereditaments respectively, for any the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying or altering the said Road or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees or Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Trustees may contract for the Purchase of Land.

XLIII. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers

When Persons neglect or refuse to treat.

Damages to
be settled by
a Jury.

of such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Road, and through which any Part of such Road is to be made, varied, diverted, turned, or altered, shall for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *York*; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more the said Trustees is and are hereby empowered to administer); and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *York*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from
Time

Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without any reasonable and sufficient Excuse, or appearing, shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear without any reasonable and sufficient Excuse, or appearing, shall refuse to be sworn, or examined, or give Evidence, so that no such Fine be more than Ten Pounds on any One Person for One Offence.

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

How Expences of the Jury shall be paid.

borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Money
agreed upon
or assessed,
how to be
paid or
tendered.

XLV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as hereinafter mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents, and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons, and after Ten Days' Notice thereof given to such Parties or Persons or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to make, extend, widen, divert or turn such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting any former Road in lieu whereof some new Road shall be made by virtue of this Act unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet or Place, to which the new Road does not lead, shall be vested in, and shall and may be sold either by public Sale or private Contract, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can or may be gotten for the same, and the Money arising by such Sale, shall be applied to the making or repairing of the said Road by this Act directed to be made and repaired, but the Purchaser or Purchasers of such respective Premises shall not be answerable or accountable for any Misapplication or Non-application of such Money; and all Conveyances of such Roads as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the said West Riding, shall be good and effectual in the Law to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees, or any Five or more of them, by Surrender or other Conveyance sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Former
Roads may
be sold.

Trustees re-
strained from
pulling down

XLVI. Provided always, and it is hereby enacted and declared, That the Powers and Authorities hereby given to the said Trustees, shall

shall not extend to the pulling down any Dwelling-houses or other Buildings, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained (other than and except certain Premises mentioned in the Schedule hereunto annexed) as shall be necessary for diverting, widening, or turning the said Road (and making the same in such respective Places of the Breadth of Twelve Yards), any Thing hereinbefore contained to the contrary in anywise notwithstanding.

Dwelling-houses, and from entering Plantations, &c. without the Consent of the Owners.

XLVII. 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 seited of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same 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 thereto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to or on account of the Price thereof, as hereinafter mentioned), or shall refuse (except with respect to or on account of the Price thereof), to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Riding (who are hereby empowered and required to take the same), by some Person or Persons noways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was 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 the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in Manner hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by Sale or Sales of such Pieces or Parcels of Ground, shall be applied to the Purposes of

Trustees empowered to sell overplus Grounds, &c.

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

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

this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

Application
of Compen-
sation Money
when amount-
ing to 200l.

XLVIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there *ex-parte* the Trustees for executing this Act, or any Two or more of them, 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 or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents and 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 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 Meantime, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be vested by the said Accountant-General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends 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 to be purchased in case such Purchase or Settlement were made.

When less
than 200l.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments,
purchased

purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to 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 the said Trustees, or any Five or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

L. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands 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.

When less than 20l.

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

In case of not making out Titles.

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

Proceeding

Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums into the Bank as aforesaid.

Respecting
disputed
Titles.

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

The Court
of Chancery
may direct
the Payment
of Expences.

LIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all the 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.

Restraining
the Trustees
from deviat-
ing beyond
a certain

LIV. 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 Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk
of

of the Peace for the said West Riding of the said County of York; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said Riding, to the End that all Persons may at all seasonable Times have Liberty to peruse and inspect 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 new 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, Bodies Politic, Corporate or Collegiate, through or over whose Lands or Grounds such Deviation shall be made.

Distance from
the Line de-
scribed in the
Map or Plan.

LV. Provided also, and be it further enacted, That it shall and may be lawful 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, are, or may be Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted 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 of the said County of York, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may
make Roads
through
Lands not in
the Book of
Reference.

LVI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch or Sewer therein, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act, (subject nevertheless to the Regulations hereinafter expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable, or liable to, or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall be liable to the Repair of the said Road, and to perform their respective Works thereon in such and the like Manner, in every respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District or Place respectively.

Persons now
liable to
repair the
Roads, to
remain so.

LVII. Provided always, and be it further enacted, That all Persons who by Law are liable to the Statute-work on any Part of the Road, within the Parishes, Townships or Places through which the said Road or any Part thereof is intended to pass, 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 acting in the West Riding of the said County of York, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or

For regulat-
ing Statute
Labour.

[Loc. & Per.]

25 X

Surveyor,

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, Townships, or Places in which the said Road lies, 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 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, 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 for 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 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 in 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 to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Teams 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 and 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

hereby empowered to remove and turn off the Persons 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 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 Surveyor or Surveyors of the Highways for any of the said Parishes, Townships or Places, 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.

LVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch or Sewer, or with any Person or Persons for the Performance of his, her or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways, or the Churchwardens or Overseers of the Poor of any of the said Parishes, Townships or Places, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships or Places, first had at any Vestry or public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part or Parts of the said Road.

Trustees may compound for Statute Labour.

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

For enforcing the Payment of Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor, &c.

LX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor who shall

Surveyors, &c may recover the pay same.

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

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

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

Occupiers of adjoining Lands to carry off the Scrapings on Notice, except in Harvest-time.

LXII. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the said Road to be made and repaired under this Act, shall on Six Days' Notice to be given to him or them respectively, by the Surveyor or Surveyors of the said Road, or any Person or Persons which he or they shall appoint from Time to Time; haul, remove and carry away all such Soil, Earth or other Matter as shall have been gathered, collected or scraped from off the said Road, as far as the Lands and Grounds of such Occupier or Occupiers shall respectively extend, but not farther; and in case any such Occupier or Occupiers shall neglect or refuse to haul, carry off or remove such Soil, Earth or other Matter as aforesaid, after such Notice as aforesaid, each and every Person so neglecting or refusing shall for each and every such Offence forfeit and pay any Sum

not exceeding Twenty Shillings, to be recovered and applied in such Manner, and for such Uses and Purposes, as other Penalties are herein directed to be recovered and applied: Provided always, that no Person shall be liable to any such Penalty for neglecting or refusing to carry away any such Soil, Earth or other Matter during the Time of Hay or Corn Harvest.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, when and as often as they shall think necessary, to cause the said Road to be measured, and Stones or Posts to be placed in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile-post or Stone to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures or Marks inscribed thereon; or if any Person or Persons shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof, or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the same, or the Fences on either Side thereof, or if any Person driving any Carriage upon the said Road, and meeting another Carriage, shall not keep his or her Carriage upon his or her left or nearest Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road, or if any Person shall make, or assist in making any Fire or Fires, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent or Firework whatsoever on any Part of the said Road, or on the Banks or Lands adjacent, or lying open thereto; or if any Person shall leave any Carriage (except in case of Accident) upon any Part of the said Road, or on the Side or Sides thereof, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall scrape off any Mud, Soil or other Matter or Thing, which shall be or lie upon the said Road or any Part thereof, and shall not within the Space of Fourteen Days take and carry the same away, or cause the same to be taken or carried away; or if the Surveyor or Surveyors of the said Road, or any Contractor or Contractors for the Repairs of the said Road or any Part thereof, shall lay or cause to be laid upon the said Road, or the Sides thereof, or any Person or Persons acting by or under their Authority, any Heaps of Stones or other Materials for repairing the said Road or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Roads to be measured and Mile Stones erected.

[Loc. & Per.]

25 Y

LXIV. And

Penalty on obstructing the Execution of this Act.

LXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause or promote to be assaulted, interrupted or hindered any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons, by them, or any of them, or by the said Trustees or any of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Power to Collectors to detain unknown Persons guilty of Offences.

LXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any 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 of the said Riding.

Recovery and Application of Penalties.

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

Form of Conviction.

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

BE

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

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

LXIX. And be it further enacted, That if any Person or Persons Appeal to
shall think himself, herself or themselves aggrieved by any Thing done Quarter
in pursuance of this Act, and for which no particular Mode of Relief Sessions.
hath been already appointed, such Person or Persons may within
Fourteen Days next after such Cause of Complaint shall arise, appeal
to the Justices of the Peace at their General Quarter Sessions of the
Peace to be holden for the said Riding, unless such Complaint shall
arise within Twenty-eight Days preceding such Session, in which Case
such Appeal may be brought at the Second Session after such Cause
shall arise; and the said Justices are hereby authorized and required to
take Cognizance thereof and to hear and determine such Complaint or
Complaints, and if they see Cause, shall and may, by Order of such Ses-
sion, mitigate at their Discretion all or any Part of the Penalties or For-
feitures laid upon or incurred by the Party or Parties complaining, or
vacate or set aside the Conviction or Convictions, and set the Parties
at Liberty, or otherwise may ratify or confirm the same, with such
Costs as to them in their Discretion shall seem reasonable; and the said
Justices are hereby authorized and required to levy by their Order or
Warrant such Costs so awarded by Distress and Sale of the Goods and
Chattels

Notice of appealing to be given.

Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress to commit such Person or Persons to the Common Gaol for the said Riding for any Time not exceeding Six Calendar Months or until such Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall, and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Road, of such his or their Intention of bringing and prosecuting an Appeal Fourteen Days before the said Quarter Session, and shall before such Notice given, enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said Riding, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Limitation of Actions.

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

For enforcing the Payment of Subscriptions.

LXXI. And be it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or of making and maintaining the said Road or any Part thereof, or any other Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purpose aforesaid, or any of them, shall, after Twenty Days' previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose to him, her or them given, or left at his, her or their Dwelling.

ling-house or usual Place of Abode; refuse or neglect to make Payment of the respective Sums by him, her or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any Five or more of them, to bring or cause to be brought, in the Name of their Treasurer or Clerk, an Action of Debt or on the Case, Bill, Plaint or Suit against such Person or Persons so neglecting or refusing as aforesaid, his, her or their Heirs, Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection or Wager of Law, nor more than One Imparance shall be allowed; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Person or Persons, his, her or their Heirs, Executors or Administrators shall be compelled to pay the Sum or Sums of Money so by him, her or them subscribed or agreed to be subscribed as aforesaid, together with full Costs of Suit.

LXXII. 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

LXXIII. And be it further enacted, That this Act shall commence upon the Third *Friday* in the Month next after the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. The Commencement and Term of this Act

The SCHEDULE referred to by the foregoing Act.

Names of Proprietors of Buildings, &c.	Names of Occupiers, &c.	Remarks, &c.
The Right honourable Thomas Phillip Weddell, Lord Grantham	John Kaley	Part of a Dwelling-house, Barn, Stable and Cow-house, situate in the Township of Sawley aforesaid.
Same	James Ainsworth	A Cow-house, Necessary, Calf-house and Pig-cot, in the same Township.

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