



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 38.

An Act for more effectually repairing the Road from
Boroughbridge, in the County of *York*, to the City
of *Durham*. [25th March 1812.]

WHEREAS by an Act passed in the Thirty-second Year of the
Reign of His present Majesty, intituled *An Act for enlarging* 32G.3.c.118.
and altering the Terms and Powers of Two Acts of Parliament
made and passed in the Eighteenth and Twenty-second Years of the Reign of
His late Majesty King George the Second, for repairing the High Road
leading from Boroughbridge in the County of York, through Northallerton
in the same County, to Croft Bridge on the River Tees, and from thence
through Darlington, in the County of Durham, to the City of Durham, and
for reducing the said Acts into One, and for the more effectually repairing
and keeping in Repair the said Road; it was enacted, that the Term granted
by the said Acts of the Eighteenth and Twenty-second Years of the
Reign of His said late Majesty should be continued for the further Term
therein limited, and that instead of the Provisions contained in the said
former Acts, the Provisions therein contained should be put in force for
repairing the said Road: And whereas by an Act passed in the Forty-
first Year of the Reign of His present Majesty, intituled 41G.3.c.4.
An Act for con-
tinuing and amending an Act passed in the Thirty-second Year of the Reign
of His present Majesty, for repairing the Road from Boroughbridge, in the
County of York, to the City of Durham, and for more effectually repairing the
said Road; the said Act of the Thirty-second Year of His present Majesty

[Loc. & Per.]

was continued, with some Alterations and additional Provisions for a further Term therein mentioned: And whereas the Trustees for carrying into Execution the said several Acts have, in pursuance of the Powers and Trusts vested in them, borrowed considerable Sums of Money to a great Amount on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and cannot be repaid, neither can the same Road be effectually improved and kept in good Repair unless additional Tolls, Powers, and Authorities, be granted for a further Term; and it would be convenient that all the Tolls, Powers, and Provisions, necessary to be granted and continued in force with respect to the same Road, should be consolidated and comprized in One Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Day of the Commencement of this Act, the said Acts of the Thirty-second and Forty-first Years of the Reign of His present Majesty shall be, and the same are hereby declared to be repealed, (except so far and during such Time as the existing Tolls and Exemptions are herein-after directed to continue in force); and that this Act and the Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or either of them, on the said Road, and to the Payment of all Monies which shall or may hereafter be borrowed and become due and owing by virtue of this Act, and of all Interest due and to grow due for the same respectively.

Former Acts repealed, and new Term and Tolls to be liable to Debt.

Trustees.

II. And be it further enacted, That *John Arden, George Allan, Robert Allen, John Allan, Arthur Aylmer, James Agnew, Richard Atkinson Clerk, William Burnett, Thomas Bowes of Darlington, Thomas Backhouse, William Bachelor Bailey M. D., John Barker, John Brewster, Thomas Beckett, Richard Bell, Matthew Butterwick, George Barrington Clerk, John Bourn, Jonathan Backhouse, William Bethel, Richard Blanchard, William Backhouse, Richard Byron, Henry Byron, Jonathan Backhouse junior, Bethel Clerk, George Bowes, Robert Botcherby, Edward Backhouse, John Backhouse, James Backhouse, Robert Colling of Hurworth, Robert Colling junior of Hurworth, Sheldon Craddock, Sheldon Craddock junior, William Chaytor, William Chaytor junior, Warcopp Conssett, the Honourable James Athol Cochrane Clerk, Peter Conssett, William Cust, George Culley, Charles Colling, Robert Colling of Barmpton, Samuel Crompton, David Crawford, William Colling, Samuel Crompton junior, William Clementson Clerk, Thomas Charge, Anthony Colling, Thomas Charnock, John Cranke Clerk, John Colling, Matthew Culley, Edward Davidson Clerk, Edward Davidson junior, William Dent Clerk, James Dalton Clerk, William Danby, Edward D'Oyley, Thomas Davidson, Henry Dinsdale, William Dobson, Henry Dunn, Sir John Eden, Robert John Morton Eden, William Emm, John Walton Elliott, George Edwards M. D., David Burton Fowler, John Gibson, Henry Hirst, Ralph Hodgson, Leonard William Hartley, Anthony Hammond, Robert Hutton, John Harrison, George Lewis Hollingsworth, Thomas Harrison, James Hewgill, Henry Hewgill, Murley Harrison, Robert Hodgson, John Ingram, William Henry Lambton, Ralph Lambton, Lascelles Lascelles Clerk, Edwin Lascelles, Robert Lascelles, Harrington Lee, Leighton, Young Lawson, Newby Lawson, Sir Ralph Milbanke, Arthur Mowbray, John Mowbray, Christopher*

Christopher Mason, Frederick Mundy Clerk, Robert Moses, John Maynard, John Maynard junior, James O'Callaghan, Thomas Ord, George Ornsby, Daniel O'Callaghan, Charles Plumbtree Clerk, Richard William Christopher Peirse, Henry Peirse, James Peirse, Matthew Parrington Clerk, Thomas Pickering, Thomas Peacock Clerk, Edward Pease, Joseph Pease, Thomas Pease, Haigh Robson, Thomas Richmond, William Richmond, William Russell, Matthew Russell, John Robinson, Henry Richardson Clerk, Fletcher Rigge, Gray Rigge, Leonard Raisbeck, John Redfearn, George Sutton, William Sleigh, Robert Sheraton, Pinckney Simpson, Robert Surtees of Mainsforth, Richard Sherwood, Richard Scruton, Brian John Salvin, Gordon Skelly, William Stow, Howell Luke Seymour, Robert Surtees of Redworth, Thomas Sherwood, Thomas Scarth, Thomas Freshfield Scarth, Robert Eden Duncombe Shafto, Thomas Shafto, Sir Henry Vane Tempest, John Theakston Clerk, Marmaduke Theakston, John Trotter of Haughton, John Trotter of Hallgarth, John Thornhill Clerk, the Honourable Henry Vane commonly called Lord Viscount Barnard, the Honourable William Vane, Thomas Vaughan Clerk, William Wilberforce, John Hall Wharton, William Hall Wharton Clerk, John Wailes, Robert Wharton, Richard Wharton, James Wilkinson Clerk, William Wrightson, Thomas Wilkinson of Hurworth, Thomas Wilkinson of Newbus Grange, James Watson, Thomas Wheldon, William Ward, Robert White, John Waldy, Benjamin Walker Clerk, Robert John Walker, John Stubbs Walker, James Wilson, Loyzelure Wilkinson, William Wetenhall, John Sanders Walton, Christopher Wright, Matthew Wilkinson, Lewis Walton, and John Wetherell, shall be and they are hereby appointed Trustees for repairing, widening, improving, and keeping in Repair the said Road from Boroughbridge, in the County of York, to the City of Durham, and for putting this Act in Execution.

III. And be it further enacted, That when any of the Trustees named in or to be elected by virtue of this Act shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at any Meeting to be held by virtue of this Act, (whereof at least Ten Days Notice in Writing shall have been given upon all the Toll Gates erected or to be erected on the said Road hereby intended to be repaired,) by Writing under their Hands, to elect one other Person to be a Trustee in the Room of every or any Trustee so dying or refusing to act; and every Person so elected, (being qualified as by this Act is required,) shall from thenceforth have the like Powers and Authorities to act as a Trustee in the Execution of this Act, as if he had been named and appointed a Trustee in and by this Act.

Power to appoint new Trustees.

IV. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Three or more of the Trustees hereby appointed, and to be elected and appointed as aforesaid, except only in the Cases herein-after mentioned, as requiring a greater or less Number of them.

All Acts may be done by Trustees unless otherwise directed.

V. 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 at the Time of acting be, in his own Right or in the Right of his Wife, seised or entitled in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments of the clear yearly Value of One hundred Pounds above Rents, or shall be Heir Apparent of a Person seised of or entitled to Messuages,

Qualification of Trustees.

Messuages, Lands, Tenements, Tythes, or Hereditaments, for some Estate of Freehold or Inheritance in Possession, of the clear yearly Value of Three hundred Pounds above Reprizes and Incumbrances.

Trustees to be sworn.

VI. Provided always, and be it further enacted, That every Trustee before he shall act as such (except in administering the following Oath) shall take an Oath, before One or more of the said Trustees, (who is and are hereby empowered to administer the same,) in the Form following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [or, *being one of the People called Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* seised or entitled in Possession of or to Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; and [in case of an Heir Apparent,] I, *A. B.* do swear, that I am Heir Apparent to *C. D.* who, to the best of my Knowledge, Information, and Belief, is truly and *bonâ fide* seised of or entitled to Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes and Incumbrances, and that I will faithfully and impartially, according to the best of my Judgement, act in the Execution and Performance of the several Trusts, Powers, and Authorities reposed in me as a Trustee, by virtue of an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*].

‘ So help me GOD.’

Persons holding Places of Profit not to act as Trustees.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act in any Matter wherein he shall be personally interested, nor during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler, 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 for acting as a Trustee not being qualified.

VIII. And be it further enacted, That if any Person hereby declared incapable of acting as a Trustee in the Execution of this Act shall presume to act therein, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed, and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act.

Acts of unqualified Trustees previous to Conviction valid.

IX. Provided always, and be it further enacted, That all Acts and Proceedings 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 according to the Directions of this Act.

Meetings of Trustees.

X. And be it further enacted, That the said Trustees shall meet together at the *Talbot* Inn, or some other House in *Darlington*, in the County of

of *Durham*, on *Monday* the Sixth Day of *April* One thousand eight hundred and twelve, or as soon after as conveniently may be, 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 shall adjourn themselves from Time to Time, and afterwards meet alternately in the Counties of *York* and *Durham*, upon or near the said Road hereby intended to be repaired, at such Time or Times as the said Trustees shall order, direct, and appoint, as often as it shall be necessary for putting this Act in Execution, but nevertheless Two Trustees shall be sufficient for the Purpose of Adjournment only, and that in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or adjourn to any other Time; or in case the Trustees at any Time assembled shall not 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 to appoint a Meeting of the said Trustees, to be holden at the same Place where the last Meeting was held, or was appointed to have been held, on some future Day, not exceeding Three Calendar Months next after the Day on which such last Meeting was held, or was appointed to have been held as aforesaid; and the said Clerk or Treasurer shall give Notice thereof in Writing, by affixing the same on all the Toll Gates then erected on the said Road, or by inserting the same in some Newspaper, circulated in the Neighbourhood of the said Road, at least Ten Days before such future Meeting; and in case neither the Clerk nor Treasurer shall give such Notice as aforesaid, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, by Notice in Writing under their Hands, to be affixed or inserted in Manner aforesaid, to appoint the Trustees to meet at some House on or near the said Road upon some Day, not exceeding Three Months from the Time of affixing or inserting such last mentioned Notice; and that the said Trustees shall at all their Meetings defray their own Expences.

Trustees to pay their own Expences.

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

Meetings on Emergencies.

XII. And be it further enacted, That all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise, and shall be entered in a Book or Books to be kept for that Purpose, (except herein otherwise particularly directed,) and that no Order or Determination shall be made unless the major Part of the Trustees present at any Meeting shall concur therein, and such

Orders of Trustees to be made at Meetings, and entered in a Book.

[Loc. & Per.]

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Orders

Orders and Proceedings so entered and signed by a competent Number of the said Trustees; (as the Case may require,) or by their Clerk by their Order, shall be deemed to be original Orders and Proceedings; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of Tolls, shall and may be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Orders not to be revoked but by a certain Number of Trustees.

XIII. Provided always, and be it further enacted, That no Order made by the said Trustees shall be revoked or altered at any subsequent Meeting, unless by a Majority of Trustees at a Meeting where Seven at least shall be present, and a Majority of them shall concur therein.

Trustees being Justices may act as such, and Mortgagees may act as Trustees.

XIV. And be it further enacted, That all such Trustees as are Justices of the Peace may act as Justices within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person possessed of or entitled to any Mortgage, or other Security upon the Tolls granted by this Act, shall on such Account only be disqualified from acting as a Trustee.

Trustees may appoint Officers, and remove them.

XV. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any subsequent Meeting, as Occasion shall require, to elect, and by Writing under their Hands to appoint, a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Monies which shall be due and payable by virtue of this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, and such other Officer or Officers as the said Trustees shall think proper, and from Time to Time to remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to elect and appoint others in the Room of such of them as shall be removed or shall die; and out of the Monies to be raised or received by virtue of this Act, to pay and allow to the several Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers so elected and appointed, and to such other Persons as shall assist them, or any of them, in and about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Service, as to the said Trustees shall seem reasonable and proper; and every such Officer and Person as hath been appointed by virtue of the said recited Acts, or shall be appointed by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all the 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 been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath, if thereunto required by the said Trustees, (which Oath any One of the said Trustees is hereby empowered to administer,) and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her

Officers to account and pay Balances.

to

to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and give such Account as aforesaid, 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 remaining in his or her Hands when thereunto required in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall direct or appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons as they shall direct or appoint, all Books, Papers, and Writings, in his or her Custody or Power, relating to the Execution of the said recited Acts, or of this Act, then and in every such Case, Complaint being made by the said Trustees of any such Neglect or Refusal to any Justice of the Peace for the County, Riding, or District, where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and 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 Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees 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 Witness or Witnesses, it shall appear to the said Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person, such Justice may and is hereby authorized and empowered upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Monies 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, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid, if so required by the said Justice, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the Cases aforesaid the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction for the County, Riding, or District 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 his or her Account, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies which shall appear to be in his or her Hands, 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 delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Time than Three Calendar Months.

Balances may be levied by Distress.

Not to be detained in Prison more than Three Calendar Months.

XVI. Provided

Trustees who have not acted, not to vote in the Choice of Officers.

XVI. Provided always, and be it further enacted, That no Trustee shall be capable of voting on the Election of any Treasurer, Clerk, Receiver, Collector, Surveyor, or other Officer to be employed by the said Trustees in the Execution of this Act, unless he shall have attended and acted as a Trustee at some publick Meeting of the said Trustees, and have acted there as a Trustee, and signed the Book or Books in which the Orders and Proceedings of the said Trustees are usually entered, within the Space of Twelve Calendar Months preceding such Election.

Old Officers to continue till new ones elected.

XVII. And be it further enacted, That each and every Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said recited Acts, or any of them, for or in respect of the said Road hereby intended to be repaired, shall hold and enjoy their several and respective Offices and Employments under this Act until removed therefrom by the said Trustees; and each and every such Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all Respects whatsoever, as if he had been elected by virtue of this Act.

Treasurer, &c. to give Security.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors appointed by virtue of the said recited Acts, or to be elected and appointed by virtue of this Act for the due Execution of their Offices respectively, as the said Trustees shall think proper.

Collectors making Default, &c. may be removed by Order of the Trustees.

XIX. And be it further enacted, That when and as often as any Receiver or Collector of the Tolls by this Act granted shall neglect to perform or be incapable of performing his or her Duty, or shall abscond or absent himself or herself, any Three or more of the said Trustees (although not assembled at a Meeting of the said Trustees appointed by virtue of this Act) may discharge such Receiver or Collector for neglecting or being incapable of performing his or her Duty, or absconding or absenting himself or herself, and in such Case, and also in case any Receiver or Collector of the Tolls shall die, the said Trustees, or any Three or more of them, though not assembled at a Meeting, shall and may nominate and appoint a Receiver or Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, instead of such Receiver or Collector as shall die or be so discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall die or be so discharged would have had and been subject to; and if any Receiver or Collector of the said Tolls who shall be discharged from his or her Office by virtue of this Act, or his Wife, Child, or Children, or Family, or the Widow, or any of the Children, Family, or other Representative or Representatives of any Receiver or Collector who shall die, 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 Three Days next after Demand thereof made, and Notice in Writing for that Purpose given or left at such Toll Gate or Toll House,

Collectors, &c. refusing to give up Gates, &c. may be removed by Constable, &c. by Warrant of Trustees.

under

under the Hands of any Three or more of the said Trustees, (although not assembled at a Meeting,) or under the Hand of their Clerk or Treasurer 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 County, Riding, or District, 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 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 Receiver or Collector, into the Possession of such Toll House, Toll Gate, and Appurtenances.

XX. And be it further enacted, That the said Trustees may sue and prosecute, and be sued for and concerning any Thing which shall 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 Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees 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: 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, for or 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 indemnified.

XXI. And be it further enacted, That the said Trustees, or such other Person or Persons as they, or any Five or more of them, shall direct and appoint, shall and may erect and continue, or cause to be erected and continued, such and so many Toll Gate or Gates, Weighing Machine or Weighing Machines, in or upon or across the said Road hereby intended to be repaired, or any Part thereof, and also such and so many Toll House or Toll Houses, with suitable Outbuildings and Conveniences, at or near each Toll Gate and Weighing Machine, as they shall from Time to Time think proper and expedient, and shall and may from Time to Time provide, erect, maintain, place, uphold, and support such Number of Lamps upon or near to the said Turnpikes or Toll Houses, and in any of the publick Streets in the Towns through which the said Road doth lead, and in such other Situations and Places as they shall judge necessary for the Convenience and Safety of Persons travelling the said Road, and may from Time to Time afterwards remove, alter, or discontinue the same, or any of them, as the said Trustees shall think expedient.

Trustees may continue or remove Toll Gates and erect new ones.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect or cause to be erected

Side Gates or Bars may be erected.

[Loc. & Per.]

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One

One or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, on the Side or Sides of the said Road, and across any publick Lane or Way leading out of the same, and there to receive and take any such Tolls as are by this Act granted and made payable, so that the same do not extend to a Double Charge in case of passing through any other of the Toll Gates or Turnpikes upon the said Road.

Toll Gates,
&c. to be
vested in
Trustees, who
may sue, &c.

XXIII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houses, and Weighing Machines, and the several Conveniences and Appurtenances thereto belonging, which are already erected, set up, or made upon the said Road, or which shall be erected, set up, or made thereon or on the Sides thereof, by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Road, and all the 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 are hereby authorized and empowered to sell or dispose of the same as they shall think proper for the Purposes of this Act; and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage any of such Toll Gates, Toll Houses, Weighing Machines, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb the said Trustees, or their Agents or Servants in the Possession thereof, and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state the same to be the Property of the Trustees of this Act without naming or otherwise describing them.

Former Tolls
to continue
till the 30th
Day of April
1812.

XXIV. Provided always, and be it further enacted, That all the Tolls and Duties granted and now in force by or by virtue of the said recited Acts to be taken on the said Road hereby intended to be repaired, and all existing Exemptions therefrom, shall continue and be in force, and be received and taken by virtue of this Act at the several Toll Gates which have been erected, or may hereafter be erected on the said Road, until and upon the Thirtieth Day of *April* One thousand eight hundred and twelve: Provided nevertheless, that such Tolls and Duties shall and may be collected, recovered, and applied by the same Ways and Means, and under and subject to the same Powers, Provisions, Regulations, Penalties, and Forfeitures, and for such and the same Purposes as are herein expressed and contained with respect to the said new Tolls hereby granted.

Tolls to be
taken.

XXV. And be it further enacted, That, from and after the said Thirtieth Day of *April* One thousand eight hundred and twelve, the respective Tolls or Sums of Money following shall, subject to the Restrictions herein-after contained, be demanded and taken at each and every Toll Gate and Turnpike which shall be continued or erected by virtue of this Act, of and from the Person or Persons using or attending any Horse, Beast, Cattle, or Carriage, by such Person or Persons as the said Trustees 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,)

For

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Tolls.
or Litter, drawn by Six or more Horses, Mares, Geldings, Mules, or
other Cattle, the Sum of Three Shillings and Four-pence; and drawn
by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of
Two Shillings and Eight-pence; and drawn by Three Horses, Mares,
Geldings, Mules, or other Cattle, the Sum of Two Shillings; and drawn
by Two Horses, Mares, Geldings, Mules, or other Cattle, the Sum of
One Shilling and Four-pence:

For every Chaise, Chair, or Taxed Cart, drawn by One Horse, Mare,
Gelding, or Mule, the Sum of Eight-pence:

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

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

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

For every Waggon, Wain, Cart, or other such Carriage, having the
Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or
Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or
level as not to deviate more than One Inch from a flat Surface, and not
laden with or going for Coals, Cinders, or Lime, and drawn by Eight
or Seven Horses, Oxen, or other Beasts of Draught, the Sum of Four
Shillings; and drawn by Six Horses, Oxen, or other Beasts of Draught,
the Sum of Three Shillings; and drawn by Five Horses, Oxen, or other
Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn
by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two
Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught,
the Sum of One Shilling and Sixpence; and drawn by Two Horses,
Oxen, or other Beasts of Draught, the Sum of One Shilling; and
drawn by One Horse, Ox, or other Beast of Draught, the Sum of
Three-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the
Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or
Gauge of Six Inches, and rolling such flat or level Surface as aforesaid,
and not laden with or going for Coals, Cinders, or Lime, and drawn by
Six Horses, Oxen, or other Beasts of Draught, the Sum of Four Shil-
lings; and drawn by Five Horses, Oxen, or other Beasts of Draught,
the Sum of Three Shillings; and drawn by Four Horses, Oxen, or
other Beasts of Draught, the Sum of Two Shillings and Sixpence; and
drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of
Two Shillings; and drawn by Two Horses, Oxen, or other Beasts of
Draught, the Sum of One Shilling and Four-pence; and drawn by One
Horse, Ox, or other Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such Carriage, having the
Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth,
or Gauge than Six Inches, and not laden with or going for Coals, Cinders,
or Lime, and drawn by Four Horses, Oxen, or other Beasts of Draught,
the Sum of Four Shillings; and drawn by Three Horses, Oxen, or other
Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn
by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two
Shillings; and drawn by One Horse, Ox, or other Beast of Draught,
the Sum of Eight-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals, Cinders, or Lime only, and drawn by Eight or Seven Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Four-pence; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals, Cinders, or Lime only, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and laden with or going for Coals, Cinders, or Lime only, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden with Coals, Cinders, or Lime only, and not drawing, the Sum of Two-pence:

And for every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, laden with Lead, Copper, Coals, Cinders, or Lime, at any Time between the Thirty-first Day of *October* and the First Day of *April*, in every Year, during the Continuance of this Act, in addition to the Tolls herein-before imposed and made payable for every such Waggon, Wain, Cart, or other Carriage, laden as last aforesaid, a further Toll or Sum of the same Amount, making in the Whole a Double Toll:

And for every Horse, Beast, or Cattle, Chaise, Cart, Waggon, or other Thing upon which any Toll is herein-before imposed that shall pass through any of the Toll Gates or Turnpikes continued or erected by virtue of this Act on every *Sunday*, to be computed from Twelve o'Clock on the *Saturday* Night to Twelve of the Clock on the next succeeding Night, Double the Tolls or Sums of Money herein-before mentioned and made payable at such Toll Gates or Turnpikes on other Days; which said respective

pective Sums of Money shall be demanded and taken in the Name of, or as a Toll by such Person or Persons as the said Trustees shall authorize or appoint to receive the same.

XXVI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made either at the Gate, Bar or Chain where such Toll shall be collected, or immediately after passing through the same, neglect or refuse to pay such Toll, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of, belonging to, or in the Possession of the Person or Persons so then and there neglecting or refusing; and if such 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 Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing 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 unsold upon Demand, to the Owner thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

Tolls may be levied by Distress instantly.

XXVII. And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Horse, Beast, Cattle, or Carriage through any Gate or Turnpike erected or to be erected on the said Road, such Person, upon producing a Note or Ticket denoting the Payment of such Toll, shall be permitted to pass through the same Gate or Turnpike with the same Horse, Beast, Cattle, or Carriage, Toll free in respect of such Horse, Beast, Cattle, or Carriage, for which he or she shall have so paid the Toll as aforesaid on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, which Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis*, if demanded, on Receipt of such Toll.

Toll to be paid but once a Day.

XXVIII. Provided always, and be it further enacted, That no more Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day, to be computed as aforesaid, with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act in the whole Length of the said Road from *Boroughbridge* to the City of *Durham* aforesaid, nor upon the several Parts thereof herein-after specified than as are herein-after mentioned, (that is to say,) upon the whole Length of the said Road no more than Six Tolls; upon that Part of the said Road between *Boroughbridge* and *Northallerton*, no more than Two Tolls, and between *Northallerton* aforesaid and *Darlington* no more than Two Tolls, and between *Darlington* aforesaid and the City of *Durham* no more than Two Tolls.

Number of Tolls limited.

[*Loc. & Per.*]

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XXIX. Provided

Disputes
about the
Amount of
Toll to be
settled by a
Justice.

XXIX. Provided always; and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by One or more Justice or Justices of the Peace for the said County, Riding, or District, wherein the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon 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 of the Collector's Attendance for that Purpose upon the said Justice or Justices, all which Sums so determined or assessed shall be paid to the said Collector, or other Person, before he or she shall be obliged to return the Distress or the Overplus after the Sale thereof, or any Part thereof.

Collector of
Tolls a com-
petent Wit-
ness.

XXX. 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 by the said Trustees 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 acting under the Authority of the said Trustees.

Tolls may be
lessened.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting to be holden for that Purpose, whereof at least Fourteen Days Notice shall be given in Writing, to be affixed on all the Toll Gates erected or to be erected on the said Road from Time to Time, as they shall think proper to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so that the respective Tolls so raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be with the Consent in Writing of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Penalties for
Collector
taking more
or less Toll,
and not being
a Lessee.

XXXII. And be it further enacted, That if any Farmer, Renter, or Collector of any 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 any Sum not exceeding Five Pounds, and also his or her Contract for renting the Tolls, if the said Trustees 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 herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard,

Magistrates
may mitigate

shall

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; any Law or Statute to the contrary notwithstanding.

or exonerate Penalties.

XXXIII. And be it further enacted, That if any Person or Persons whomsoever, owning, retaining, or occupying any Tenements, Lands, or Grounds, near to the said Road, or any Part thereof, shall knowingly or wittingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or Carriage, on which a Toll is by this Act imposed, in order to evade the Payment of the said Toll; or if any Person or Persons owning, going in, or driving any such Carriage, or owning, riding, or driving any such Horse, Beast, or Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, in order to evade the Payment of the said Toll, 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 unload, or cause to be unloaded, any Goods or other Thing, or shall take off, or cause to be taken off, any Horse or Beast of Draught, from any Carriage, either before or after the same shall have passed through any of the Toll Gates now erected, or hereafter to be erected by virtue of this Act, or having passed through any of the said Toll Gates 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, in order to avoid or evade the Payment of any of the Tolls hereby imposed, or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except the Person or Persons appointed to receive the Tolls hereby made payable,) any Note or Ticket, in order to avoid or evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes without Payment thereof at such Gate or Gates, or if any Person or Persons shall do any other Act in order to avoid or evade the Payment of the said Tolls, or any Part thereof, each and every Person and Persons in any Manner aforesaid offending, and being thereof convicted, by the Confession of the Party, or on the Oath of One or more credible Witnesses or Witnesses before any One or more of His Majesty's Justices of the Peace for the County, Riding, or District wherein any such Offence shall be committed, (which Oath the said Justice or Justices is and are hereby empowered and required to administer,) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Penalties and Punishments as he, she, or they shall otherwise be liable to by Law; One Moiety whereof when raised shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

Penalty on Persons permitting private Passages to evade the Tolls, &c. or forcibly passing through Toll Gates.

XXXIV. And whereas great Damage is done to the said Road by Waggons and other Carriages with Narrow Wheels drawn by Horses in Pairs; for Remedy whereof, be it further enacted, That no Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, No Carriage having the Wheels of a less Breadth than Six Inches to be

drawn by
Horses in
Pairs.

Inches, or Nine Inches, and deviating more than One Inch from a flat Surface as aforesaid, and also that no Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, shall be allowed to travel upon the said Road, or suffered to pass through any Turnpike Gate or Toll Bar erected or to be erected upon the said Road, if the same shall be drawn by Horses in Pairs, except Carriages drawn by Two Horses only, upon Pain that the Owner or Owners of every such Waggon, Wain, or Cart, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and the Driver thereof, not being the Owner, a Sum not exceeding Forty Shillings.

Penalty on
Collector
suffering
Carriage to
pass without
weighing.

XXXV. And be it further enacted, That for the better preventing Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any of the Toll Gates erected or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Gates erected or to be erected on the said Road without weighing the same, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage, to proceed on the said Road, or any Part thereof, without having first paid the Toll payable for such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively, shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Collector
compound-
ing for Over-
weight.

XXXVI. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road, or any Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at such Machine or Machines, each and every such Lessee or Lessees, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines so bargaining, contracting, compound- ing, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Five Pounds: Provided always, 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, Commissariat, or other publick 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 in respect of such Stores; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in or on any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of
Horses

Carriages
provided for
His Majesty's
Service, and
drawn by any
Number of
Horses, not
to be weighed.

Horses or Beasts, 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 Beasts to such Waggon, Wain, Cart, or other Carriage for drawing the same; any Thing in this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads, to the contrary notwithstanding.

XXXVII. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Turnpikes or Toll Gates which shall be continued or erected by virtue of this Act, when carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Gravel, or other Materials, to be used on or about the said Road, or for the repairing any Highways in any of the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Road, or Hay, Corn in the Straw, or other Produce of the Lands not sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of such Lands, or any Mould, Dung, or Compost to be laid and spread on Lands, or returning empty, when employed in any such Manner as aforesaid; nor shall any Toll be paid for any Horses, Mares, Geldings, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes or Places, or any of them; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, or Hogs, going to or returning from Pasture on any Commons, or other Grazing Grounds, or Watering Places, or Blacksmiths Shops to be shod, or having been shod; nor for any Horse or other Beast of Draught, or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty, having been so employed; nor for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, or any other Beast belonging to any Person or Persons who is or are liable and subject to perform Statute Duty upon any Part of the said Road, going empty or unladen for Coals, Cinders, or Lime only; nor shall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty, or by any other Person going to or returning from his, her, or their usual Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for the Purpose of attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes or Places; nor for any Horses, Cattle, Beasts, or Carriages, which shall only cross the said Road, and shall not pass more than One hundred Yards thereon; nor for any Horses or Carriages of whatsoever Description, when employed or going to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Soldiers on the March or on Duty, or Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the

[*Loc. & Per.*]

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Place

Exemptions
from Tolls.

Place appointed for and on the Days of Exercise; provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements; according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; 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, Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *York* or *Durham*, or a Member or Members to serve in Parliament for the Boroughs of *Northallerton*, *Boroughbridge*, or *Aldborough*, or any of them, on the Day or Days of such Elections, or on the Day before or after such Elections shall begin or be concluded; nor shall any of the Tolls granted by this Act be demanded or taken at the Gate called *Topcliffe Bar*, erected upon the said Road, or at any other Gate which may at any Time hereinafter be erected in the Township of *Topcliffe*, for any Horses, Carriages, or Cattle belonging to any Person or Persons, Inhabitants of or Occupiers of Premises within the said Township of *Topcliffe*, unless such Horses, Carriages, or Cattle shall travel Four hundred and fifty Yards in Length upon the said Road; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make Use of any Fraud whatsoever, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act, and shall be levied and recovered by such Ways and Means as are herein-after provided for recovering any Penalties and Forfeitures hereby imposed.

Trustees may compound for the Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree, for any Term not exceeding Twelve Calendar Months at any One Time, with all or any of the Inhabitants of the several Townships, Hamlets, Parishes, or Places, to or through which the said Road leads, for the passing of their Horses, Cattle, or Carriages, through all or any of the Toll Gates erected or to be erected on the said Road, or on the Sides thereof respectively, so as such of the Carriages so to be compounded for, as shall be drawn by more than One Horse or Beast of Draught, shall not have the Sole or Bottom of the Wheels thereof of a less Breadth or Gauge than Six Inches, which Composition Money shall from Time to Time be paid in Advance, and in Default thereof the Composition or Agreement shall be void.

Tolls may be let to farm for any Term not exceeding Three Years.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf, in and by a certain Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called* England,

England, and for other Purposes, from Time to Time to demise or let to farm all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years on each Demise, for the best Rent or Rents which can be gotten for the same, payable in such Proportions, at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties, Surety, or Security for the Payment thereof, as they the said Trustees shall think fit, and the Monies arising thereby shall be applied and disposed of in such Manner as the Tolls so leased are hereby directed to be applied.

XL. 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; 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 Thirty Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for the demising or letting thereof, then and in either of these Cases, the said Trustees, or their Clerk or Treasurer, or any other Person or Persons authorized by Writing under their Hands, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereout respectively from the Possession thereof, and from the Collection of such Tolls, and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, 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 the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessees' Part, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or to cause them to be collected as if no former Demise, Contract, or Agreement had been made relating thereto.

Trustees may take Possession of Toll Houses when let to farm, and vacate Leases.

XLI. And be it further enacted, That the said Trustees, at any Meeting to be holden for that Purpose, whereof Ten Days Notice shall be given in Writing, to be affixed upon all the Toll Gates then erected upon the said Road, may and they are hereby empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall think necessary for the Purposes of this Act, and they are hereby authorized and empowered, either at such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to demise or mortgage all or any Part of the Tolls hereby granted, and the Turnpikes or Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines for collecting the same, and the Buildings and Appurtenances thereof, or any or either of them, the Costs and Charges of such Mortgages to be paid out of such Tolls, for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons, or his, her, or their

Trustees may borrow Money on the Credit of the Tolls, and mortgage them.

Trustee

Trustee or Trustees, who shall advance such further Sum or Sums of Money, which said Mortgage or Mortgages shall be made in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

BY virtue of an Act passed in the Fifty-second Year of the Reign of His Majesty King George the Third; intituled [here set forth the Title of this Act], We, of the Trustees for putting the 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 his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines for collecting the same, and the Buildings and Appurtenances thereof, as the said Sum of doth or shall bear to the Whole of the Monies now secured or hereafter to be secured on the Credit thereof, to be had and holden from the Day of the Date hereof; for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of per Centum per Annum, shall be sooner paid and satisfied. Given under our Hands and Seals the Day of in the Year of our Lord One thousand eight hundred and

Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books, to be kept and provided for that Purpose by the Clerk or Treasurer, and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls hath or have been made by virtue of the said recited Act, so far as concerns the said Road hereby intended to be repaired, or to whom any such Mortgage or Mortgages shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment, in the following Words or Words to the like Effect; (that is to say,)

Form of Transfer.

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

Which

Which said Transfer shall be produced and notified to the Clerk or Treasurer for the Time being, who shall cause an Entry or Memorial to be made thereof in the said last mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon, and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred to make void, release, or discharge the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, Toll Houses, and Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and no Person shall have any Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

Transfer to be notified and entered in a Book.

XLII. And be it further enacted, That the said Trustees shall and may, if thereunto required, receive in and cancel all or any of the Mortgages or Assignments now standing out that were made by virtue of the said Acts, or any of them, relating to the said Road hereby intended to be repaired, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively in Manner herein-before directed.

Old Mortgages may be cancelled and new ones granted.

XLIII. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts, or any of them, for or in respect of the said Road hereby directed to be repaired, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the First Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act, or relative thereto; in the Second Place, in paying the Interest now due, and which shall become due upon the several Principal Sums from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted; in the Third Place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and of executing the several other Powers, Intents, and Purposes of this Act; and lastly, in reducing, paying off, and discharging the said several Principal Sums due on such Mortgages or Securities as last aforesaid.

Application of the Money.

No Money to be applied in repairing the publick Streets.

XLIV. Provided always, and be it further enacted, That no Part of the Money to be received or borrowed by virtue of this Act shall be laid out in repairing the Pavement in any of the publick Streets in the Towns through which the said Road doth lead, any Thing herein contained to the contrary notwithstanding.

Surveyors may get Materials in Wastes, &c. without paying for it, and in private Lands, making Satisfaction.

XLV. And be it further enacted, That the Surveyor or Surveyors of the said Road, and such Persons as shall be employed by him or them, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or any other Materials proper for the making or repairing of the said Road, out of or from any Common or Waste Grounds, Rivers, or Brooks, without paying any Thing for the same, such Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground or sloping down the Banks from which such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers and Cattle, and where there is not sufficient of any such Materials to be procured in any Common or Waste Grounds, Rivers or Brooks, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons in any Parish, Township, or Place, through which the said Road passes, or any adjoining Parish, Township, or Place, not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, paying or tendering Payment for the Damage done to the Owners and Occupiers thereof respectively, out of the Grounds whereon or from whence the same shall be cut, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, such Equivalent in Money as the said Trustees shall adjudge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Persons appointed or employed as aforesaid, and the Owners or Occupiers of private Lands, or any of them, concerning such Payment and Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions, or the Second General Quarter Sessions at the farthest, to be holden for the County, Riding, or District wherein the Lands lie, from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Five Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payment and Damages, and the Judgement or Order of the said Justices therein shall be final and conclusive upon all Parties.

Surveyor not to get Materials in private Grounds till after Notice, &c.

XLVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the said Road, out of or from any inclosed Lands or Ground until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her last usual Place of Residence, to appear before the said Trustees, or any Two or more Justices

of the Peace for the County, Riding, or District wherein such Lands or Grounds lie, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself, or herself, or his or her Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his or her Agent had attended.

XLVII. And be it further enacted, That if any Person or Persons shall take away, or cause to be taken away, any Materials which shall have been dug, gathered, or collected together in any Lands, Fields, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or amending the said Road, or shall dig, get, or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the Surveyor or Surveyors of the said Road, or his or their Workmen shall have discontinued working therein for the Space of Three Calendar Months, (except the Owner or Owners, or Occupier of any private Grounds, and any Person or Persons authorized by such Owner or Owners to get Materials therein for his, her, or their own private Use only, and not for Sale,) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, over and above the Value of the Materials so taken away.

Penalty on taking away Materials raised by Surveyors, or digging in Pits not abandoned.

XLVIII. And be it further enacted, That if any Coach, Diligence, Chaise, Cart, Waggon, Draught, or other Carriage, or any Plough or other Instrument of Husbandry, with or without Horses, or other Beasts of Draught, shall remain or continue in or upon any Part or Parts of the said Road, or on the Sides thereof, or in any of the publick Streets in the Towns through which the said Road doth lead, for any longer Time than shall be necessary for taking up and setting down the Passengers, and for loading and unloading such Carriage, except for such Reasons as shall be satisfactory to the Justice before whom Complaint shall be made; or if any Person shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever in any Part of the said Road, or in any of the publick Streets in the Towns through which the said Road doth lead, for any longer Time than Two Hours, except for such Reasons as last aforesaid; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road any Tree or Piece of Timber, or Stone, otherwise than upon Wheel Carriage or Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast or Cattle in or upon any Part of the said Road, or in any of the publick Streets in the Towns through which the said Road doth lead, or shall hew or saw any Piece of Stone,
Wood,

For preventing Nuisances, &c.

Wood, or Timber, or bind, make, or repair, except in Cases of Accident, the Wheel of any Carriage, or, except in Cases of Accident, shoe, bleed, or carry any Horse or other Beast, in or upon any Part of the said Road, or in any of the publick Streets in the Towns through which the said Road doth lead, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to
remove Annoyances.

XLIX. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, or in any of the publick Streets in the Towns through which the said Road doth lead, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Trees, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing, and to turn any Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Road to the Prejudice thereof, and to open, scour or cleanse, widen, deepen, and enlarge, any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof respectively; and also to prune or lop, at proper Seasons of the Year, any Trees, Branches, Shrubs, or Bushes growing in the Hedges or Fences adjoining the said Road, so as the same be not planted for Ornament or Shelter, and to take and carry away the Prunings or Loppings thereof; in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Five Days, after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof to be settled by the said Trustees, by Writing under their Hands, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen, and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune or lop such Trees, Branches, Shrubs, or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed are herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such Second or subsequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

To prevent
Encroachments by
Fences.

L. And be it further enacted, That no Person or Persons whatsoever shall make, raise, or set any new Wall, Hedge, Fence, or Fences of Thorns or Quicks, in or upon any of the Lands or Grounds next adjoining to the said Road, nearer to the Centre thereof than Thirty Feet; and that if any such new Inclosure, Wall, Fence, or Hedge shall have or hereafter be made, it shall and may be lawful to and for the said Trustees from Time to Time, upon their View and Sight of such new Inclosure, Wall, Fence, or Hedge, to order such new Inclosure, Wall, Fence, or Hedge to be levelled, thrown down, and removed, and to levy the Expences attending such levelling, throwing down, and Removal,

County, Riding, or District wherein such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay such Sum of Money as such Justice or Justices shall adjudge, not exceeding Forty Shillings, to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, such Forfeiture to be applied in recompensing the Informer according to the Discretion of such Justice or Justices, and in repairing such Footway or Causeway; and in case the Person or Persons so offending and convicted shall have no Goods or Chattels within the Jurisdiction of such Justice or Justices, or in case such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction for the County, Riding, or District, wherein such Offence shall be committed, there to remain for the Space of Twenty Days, and shall not be sooner discharged unless he or she shall pay the Penalty imposed by such Conviction.

Trustees may
widen or
alter Roads,
purchase
Lands, and
make Con-
tracts for
that Purpose.

LIV. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Road for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, to treat, contract, and agree with any Person and Persons for the Purchase of any Lands, Grounds, or Hereditaments, lying near or contiguous to the said Road, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may anywise sustain by such widening, turning, varying, or altering such Road, and to pay for the same out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase, which Road when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, between and exclusive of the Ditches; and such Lands and Grounds when so purchased as aforesaid, shall, by Order and Direction of the said Trustees, be laid into and made Part of such Road in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall from thenceforth be deemed and taken as a publick or common Highway, and Part of the Road to be repaired by virtue of this Act.

Trustees may
contract for
purchasing
Lands of
Guardians,
&c.

LV. And for removing all Difficulties which may obstruct such Contracts, be it further enacted, That it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infants, Wards, Cestuique Trusts, Lunaticks, Idiots, or 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, 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 for the Satisfaction to be made for such Damages

Damages as aforesaid, or sell and convey unto 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 Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

LVI. And be it further enacted, That if such Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him 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 of any such Body or Bodies Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is to be diverted, turned, or altered, shall, for the Space of Thirty 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 such Case the said Trustees shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County wherein such Lands are situate; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed 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 Judgement, Order, or Determination thereupon, shall be 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 Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands are situate, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees 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 any such Summons, the said Trustees shall

Where Persons neglect or refuse to treat, Damages to be settled by a Jury.

Sheriff to summon Jury.

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 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 are to be sworn, and the said Trustees shall have Power from 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, 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 Jury shall refuse or neglect to appear, 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.

How Expences of Jury to be paid.

LVII. 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 Land or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to or offered by the said Trustees, 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 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 less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction of any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full 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 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 County, Riding, or District, wherein such Difference shall arise, 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 adjusted, 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

be recovered by the said Trustees, by such Ways and Means as are herein provided for the Recovery of the Penalties and Forfeitures: Provided that, when by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the taking down of any Dwelling House, or other Building, or to the taking in of any Land that is a Garden or Orchard, and adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively, in Writing first had and obtained.

Dwelling Houses, Gardens, &c. not to be damaged.

LIX. And be it further enacted, That after any Land shall have been purchased and laid into the said Road, or any Part thereof, in pursuance of this Act as aforesaid, such Part and Parts of the old and former Road in lieu whereof such Lands and Grounds shall be purchased for such new Road as aforesaid, (unless the same shall lead over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead,) shall be vested in the said Trustees, and shall and may be disposed of by them for the best Price that can be reasonably got for the same; and the Money arising by such Sale shall be applied and disposed of in amending and improving the Road by this Act directed to be repaired; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds, comprising the said old Road, being executed by the said Trustees, and inrolled amongst the Records of the Sessions of the Peace for the County, Riding, or District wherein such former Road is situate; shall vest the Property of the same Lands and Grounds in the Person or Persons to whom the same shall be so sold and conveyed, to all Intents and Purposes whatsoever; and the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Old Roads may be sold.

LX. Provided always, and be it further enacted, That wheresoever the Course of any Part of the said Road shall be altered, under or by virtue of the Authority of this Act, or any Toll House discontinued, and a new Road opened and made in any adjoining Land, the Offer of the Purchase of such old Road or Toll House shall be first made to the Owner of such adjoining Land as shall be cut and used for the Purpose of making of such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Toll Houses, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price of any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road or Toll House, the same shall and may be recovered

Persons whose Lands adjoin to have the Preference; Value to be settled by a Jury.

by the said Trustees, by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Toll House, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit, to be 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 County, Riding, or District where such Road or Toll House shall be, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner hath not agreed, or has refused to purchase such old Road or Toll House, (as the Case may be,) and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if such Owner shall be willing to take such old Road or Toll House in exchange for such new Road or Toll House, it shall be lawful for the said Trustees, and they are hereby required to assure the same to such Person, by entering the same in their Book, and delivering to him or her a Copy thereof, signed by the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit at Law or in Equity.

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

LXI. 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 herein-after 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 depositing the same in the Bank of *England* as by this Act is directed, as the Case may be, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with Relation to such Lands or Hereditaments as the said Trustees shall think fit, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and every Part thereof.

Application of Compensation when amounting to 200l.

LXII. 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, 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 Privy 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,

Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

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

Application when Money does not amount to 200l. but shall amount to 20l.

LXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as last 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

Application where the Money is less than 20l.

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as the said Trustees 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.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court.

LXV. And be it further enacted, That in case the Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands 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 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 and may be lawful for the said Trustees 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 Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Eng'and*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise as to the Title to Money.

LXVI. 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
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some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

LXVII. 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 to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

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

LXVIII. And be it further enacted, That all and every Person and Persons, Counties, Townships, Parishes, Hamlets, Villis and Places, and the Inhabitants thereof respectively, and Bodies Politick and Corporate, who, before the making of the said recited Acts or this Act, have or hath used, or of Right ought by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the said Road, or any Bridge, Drain, or Watercourse, in or upon the same, shall, notwithstanding this Act, be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been or would have been in case the said recited Acts or this Act had not been made.

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

LXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions; and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, from Time to Time, to adjudge, order, and determine what Part or Proportion of the Statute Work shall be done in and upon the said Road hereby directed to be repaired, and for what Space of Time, and in what Manner, and by whom of the Inhabitants of, or Occupiers of Lands and Tenements in the several Parishes, Townships, or Places through which the said Road does or shall pass, the same shall be done, and also what Proportion of the Composition Money received or to be received by the Surveyors of the Highways of such Parishes, Townships, and Places respectively, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them respectively paid to the said Trustees, or their Treasurer, Surveyor or Surveyors; and in order thereunto, it shall be lawful for such Justices, and they are hereby required from Time to Time, on such Application as aforesaid, to summon the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, to bring in before such Justices, at some Place to be expressed in such Summons, and at such Time, not being less than Ten Days then next following, as the said Justices shall direct, true and perfect Lists in Writing of the Names of the several Persons who, within such Parishes, Townships, or Places respectively, shall be by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, specifying the annual or reputed Value

Statute Duty.

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of the Lands, Tenements, or Hereditaments they respectively occupy, and 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 by each Person, which Lists shall be made in such further Manner, and under such further Regulations and Restrictions, as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and the same when so delivered in as aforesaid, shall be laid before such Justices as aforesaid by the Treasurer or Clerk, or by the said Turnpike Surveyor or Surveyors; and out of such Lists the said Justices shall and may, and are hereby required to allot, appoint, and order such and so many of the Persons who shall appear subject and liable to do 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 on 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 order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, or Places respectively, from the several 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, shall be paid, and at what Time the same shall be so paid by such Surveyors to the said Trustees or their Treasurer, Surveyor or Surveyors; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors, 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 so appointed and ordered to do such Statute Work as aforesaid, who shall neglect or refuse to perform the same after Four Days Notice in Writing given to or left with him, her, or them, at his, her, or their usual Place of Abode for that Purpose by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject or liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the publick Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person sending such Labourer, Team or Draught, shall be subject to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work, on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the Trustees, and applied towards amending the said Road hereby intended to be repaired; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to compound or agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of or in any of the Parishes, Townships, or Places in which the said Road shall lie and be situate, for a certain Sum of Money, in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, or Places for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Road.

Trustees may compound for Statute Duty.

LXXI. Provided always, and be it further enacted, That in case any Composition Money agreed to be paid for, or in lieu of any such Statute Work as last aforesaid, shall not be paid within Three Days next after the same shall become payable, according to such Composition or Agreement, then it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, (Oath having been made by the Surveyor or Surveyors of the said Road that the same hath been demanded and remains unpaid,) to levy such Composition Money by Distress and Sale of the Goods of the Person or Persons, Surveyor or Surveyors of the Highways, so having compounded in lieu of such Statute Work, returning the Overplus (if any) to the respective Owners of the Goods so to be distrained, upon Demand, after the Charges of such Distress and Sale shall have been thereout deducted.

Composition Money how to be recovered.

LXXII. Provided also, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Parish, Township, or Place, for or in respect of whose Statute Work such Composition shall be made as aforesaid, shall pay the Composition Money; or if such Composition Money shall be recovered by Distress and Sale of his or their Goods and Chattels, in Manner herein-before directed, then and in either of the said Cases such Surveyor or Surveyors shall be paid or reimbursed the Composition Money which shall be so paid by or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale either out of the Composition Monies received or to be received by him or them in lieu of Statute Work, in such Parish, Township, or Place, or in such Manner as by the Laws now in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in purchasing Materials for repairing the said Highways.

Surveyors of Parishes, &c. to be reimbursed Composition Money.

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

Penalty for assaulting Collectors, &c.

LXXIV. 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 enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or

For securing transient Offenders.

other Officers respectively, and such Person or Persons as they or he shall call to their or his Assistance, without any Warrant, or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County, Riding, or District where the Offence or Offences shall be committed.

Trustees may contract for Repairs.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for the repairing of the said Road, or any Part or Parts thereof, or for doing any Work in pursuance or Execution of this Act, in such Manner, and for such Sum or Sums of Money annually or otherwise, or for such Considerations as the said Trustees shall think proper.

Conviction to be in the following Form.

LXXVI. And be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following, (*mutatis mutandis*); that is to say,

County of } BE it remembered, That on [Time of Conviction] at
to wit. } [Place of Conviction] A. B. [Name of Offender] of
[Addition of Offender] was duly convicted before me [or, us] [Name and
Stile of convicting Justice or Justices] for that the said A. B. [Name of
Offender] on [Time of committing Offence] at [Place of committing Of-
fence] did [here state the Offence against the Act according to the Fact]
contrary to the Form of the Statute made in the Fifty-second Year of
the Reign of His Majesty King George the Third, intituled [here set
forth the Title of this Act] and I [or, we] do therefore declare and ad-
judge that the said A. B. [Name of Offender] has forfeited for the said
Offence the Sum of [Fine] or shall be committed to [Place of Imprison-
ment] for the [Space of Time of Imprisonment]. Given under my
Hand and Seal [or, our Hands and Seals] the Day and Year first above
written.

Proceedings not to be quashed for Want of Form.

LXXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of such Amends hath been made

made by or on the Behalf of the Party distraining before such Action brought.

LXXVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done or alledged to be done in pursuance of this Act, until Fourteen Days Notice shall be given to the Clerk or the Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the County wherein the Cause thereof arose, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or 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 Fourteen Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made and tendered as aforesaid, or after the Time hereby limited for bringing the same, or 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 discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Case of Law.

Persons not to be sued till after Fourteen Days Notice, &c.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorised to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before any one Justice of the Peace for the County, Riding, or District wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant for those Purposes, and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are levied, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when so levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Riding, or District, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties and Forfeitures how to be recovered and applied.

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LXXX. Provided

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, and to have Cause of Complaint by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Person may appeal to the Justices at the General Quarter Sessions of the Peace to be holden for the County, Riding, or District wherein the Cause of Complaint shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, Riding, or District, with Two sufficient Sureties conditioned to try such Appeal, and abide by the Order of and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Publick Act.

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

Commence-
ment and
Duration of
Act.

LXXXII. And be it further enacted, That this Act shall commence and take Effect upon the Day of receiving the Royal Assent, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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