



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. vi.

An Act for making and maintaining a Road from
Dewsbury to Leeds, in the West Riding of the
County of *York*. [28th March 1816.]

WHEREAS the making and maintaining of a Carriage and Turnpike Road, from the North-east Side of the Town of *Dewsbury*, in the County of *York*, in a North-easterly Direction, through and over the several Townships of *Dewsbury* and *Soothill*, in the Parish of *Dewsbury*, in the County of *York*, and through and over the Township of *West Ardsley*, otherwise *Woodkirk*, in the Parish of *West Ardsley* otherwise *Woodkirk*, in the same County, and through and over the several Townships of *Morley* and *Churwell*, in the Parish of *Batley*, in the same County, and through and over the several Townships of *Beeston*, *Holbeck*, *Honflet*, and *Leeds*, in the Parish of *Leeds*, in the same County, to or near to the South-west End of the Pavement in *Meadow Lane*, in the Township of *Leeds* aforesaid, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much shorter and better Communication than there is at present between the aforesaid Places, and also between the several manufacturing Towns and Places near or adjacent to the Line of the said Road, and would also be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable and Reverend *John Lumley Savile*, Sir *George Armytage* Baronet, *Robert Pemberton Milnes*, [Local.] R Benjamin

Benjamin Gaskell, John Pemberton Heywood, Godfrey Wentworth Wentworth, Benjamin Dealtry, William Smithson, Francis Munde, William Greenwood, John Lee, Thomas Lee, John Carr, Edward Armitage, Benjamin Gott, Whittle York, Thomas Ikin, John Brooke, John Blaydes, John Marshall, James Tennant, John Howarth, Robert Ogden, John Wilmer Field, Joshua Field the Younger, William Walton, John Atkinson, Robert Denison, Ralph Creyke the younger, George Leather, D'Arcy Lever, James Fenton, John Holroyd, Nathaniel Johnson, Joseph Holroyd, James Leather, Joseph Whiteley, Jonathan Lupton, Edward Baines, Thomas Taylor, Thomas William Tottie, George Wailes, William Walker, Joseph Heighington, David Nell, William Hill, Joseph Swain Clerk, Bachelor in Divinity, John Hardy, Samuel Hailstone, George Leather the younger, Norrison Scatchard, William Wood Clerk of Tingley Hall, Richard Woollen, John Hepworth Clerk, Charles Brooke, Samuel Brooke, John Kitson, Daniel Ledgard, Richard Hurst, Charles Wheatley, William Stanceliffe, Joshua Wirst, Joseph Wheatley, Thomas Wheatley, Robert Holdsworth, Richard Shepley, William Battye, Abram Greenwood, John Hield, Edward Wilby, John Hague of Crow Nest, John Hague of Dewsbury Mills, Edward Hague, John Hague the younger, Thomas Cooke, John Halliley, John Halliley the younger, John Brooke, John Buckworth Clerk, Master of Arts, William Waf, Thomas Todd, Thomas Rylab, William Toone, Abraham Sanderson, Edward Sykes, Joshua Haigh, William Hingham, Joseph Archer, and John Scholefield, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, amending, widening, improving, and keeping in Repair, the said Road, and for carrying this Act into Execution.

Power to
appoint
additional
Trustees.

II. And be it further enacted, That it shall be lawful for the Trustees, hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

On Death
or Refusal
to act other
Trustees to
be chosen.

III. And be it further enacted, That when and so often as any of the Trustees hereby appointed or to be appointed by virtue of this Act shall die, or become disqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the Room of every Trustee so dying, or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing Notice in Writing on all the Turnpike Gates which by virtue of this Act shall be then erected or set up on the said Road, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed shall, immediately upon such Election and Appointment, be a Trustee for the Purposes of this Act, and having taken the Oath hereby prescribed shall be vested with the same Powers and Authorities for carrying this Act into Execution, as any Trustee or Trustees hereby nominated and appointed is or are vested with.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements or Hereditaments, of the clear Yearly Value of Two hundred Pounds; or be possessed of a Personal Estate to the Amount of Two thousand Pounds; nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation, in the following Form of Words; and which Oath the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

Qualification
of Trustees.

‘ I do swear [or, being One of the People
‘ called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am,
‘ in my own Right, [or, in the Right of my Wife] in the actual Possession
‘ and Enjoyment or Receipt of the Rents and Profits of Lands, Tene-
‘ ments or Hereditaments, of the clear yearly Value of One hundred
‘ Pounds above Reprizes; or am possessed of or entitled to a Personal
‘ Estate of the Value of Two thousand Pounds; or, am Heir Apparent of
‘ who to the best of my Knowledge is seised
‘ of a Real Estate of Lands, Tenements or Hereditaments, of the clear
‘ Yearly Value of Two hundred Pounds [*as the Case may happen.*]
‘ So help me GOD.’

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested, other than as a Creditor; nor while he holds any Place of Profit under this Act; or who shall sell any Wine, Cyder, Ale, Beer or Spirituous Liquors by Retail; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed 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: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Com-

Penalty on
Trustees
acting not
being quali-
fied.

Trustees
being Jus-
tices, may
act as such.

mission

mission of the Peace for the West Riding of the County of *York*, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Meetings of
Trustees.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Adam Jessop*, in *Dewsbury* aforesaid, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act; and shall then, and from Time to Time after, adjourn and meet again at such Time, and at such Place or Places in or near the said Road, as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held or was held (as the Case may be), and to such Time as he shall think fit, not exceeding Thirty Days, nor less than Ten Days from the Time of the last Default, and shall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act, at least Eight Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Three or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place in or near the said Road, as they the said Three Trustees shall think proper, not exceeding Fifteen Days, nor less than Eight Days from the Time of affixing such Notice; and the Trustees shall, at all their several Meetings, pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings consisting of not less than Five Trustees, to be held in pursuance thereof, and not otherwise, except in Cases hereby particularly provided for; and that no Order or Determination shall be valid, unless the major Part of the Trustees present at such Meeting shall concur therein; and that no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Nine Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made; nor unless Fifteen Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and also affixed on all the Turnpikes which by virtue of this Act shall be then erected, Eight Days at least before such Meeting; and in all Cases where any Justice or Justices of the Peace is or are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and empowered to administer such Oath.

Meetings on
Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk, by an

an Order in Writing signed by Three or more Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, by Notice in Writing affixed on all the Turnpikes then erected by virtue of this Act, such Time not being less than Eight Days after such Notice; and also by Advertisement published Three Days before such Meeting, in some Newspaper circulated in the Neighbourhood of the said Road; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment; and such Meetings, or any of them, may be adjourned; and every Adjournment of any such earlier Meeting shall be considered as an Adjournment of the original Meeting under this Act.

VII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Trustees making the same; and in which Book or Books such Clerk or the Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned, and the said Book and Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Proceedings of Trustees, and of Account of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers; and on the Death or Removal of any such Officer or Officers, may appoint others in their Stead; and Eight Days Notice of the Intention of such Appointment shall be given in Writing affixed on all the Turnpikes then erected by virtue of this Act, of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall

Appointment of Officers.

[Local.]

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and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances, to such Officers and other Persons employed, for their Services in or about the making, maintaining, amending, altering, improving and keeping in Repair the said Road or any Part thereof, or otherwise in carrying this Act into Execution, as they the said Trustees, or any Five or more of them, shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Trustees who have not acted within Two Years not to vote in certain Cases.

IX. Provided always, and be it further enacted, That no Trustee shall be capable of voting for or against the Revocation or Alteration of any Order or Proceeding of the Trustees in the Execution of this Act, nor on the Election of any Clerk, Treasurer, Receiver, Collector, Surveyor or other Officer, to be employed by the said Trustees in the Execution of this Act, unless such Trustee shall have attended at some Public 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 when the same shall be signed by the Trustees, or unless his Name appears in the Entry of the Names of the Trustees, as attending some Meeting or Meetings within the Space of Two Years preceding the Day on which such Revocation or Alteration shall be made, or such Election shall be had.

Trustees may appoint temporary Collectors.

X. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees; which 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 if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family or other Representative, of any Collector or Receiver who shall die, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said Riding, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same Riding, with such Assistance as shall be necessary, to enter such House or Building, in the Day-time, and to remove the Person or Persons

Persons who shall be found therein, together with his, her or their Goods out of the same, and to put the said Trustees, or any Three of them, or their new appointed Officer, into the Possession thereof.

XI. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected or received by virtue of this Act, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or other Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Accounts, Papers and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County, Riding, or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him; and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shown for such Non-appearance), to issue his Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by virtue of such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges

Charges of levying the same; or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings, in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Riding where he or they shall live and reside, or to any House of Correction within the same, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made; or until he or they shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they or any Five or more of them, shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make and receive); or until he or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Treasurer to
give Security.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized, directed and required, to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office or Offices; and may also if they think fit take such Security from any Collector or Receiver of the Tolls or other Officer to be appointed by virtue of this Act.

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

XIII. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever, to be had, taken, prosecuted or defended, by or against the said Trustees, shall be had, taken, prosecuted or defended in the Name of their Clerk for the Time being; and that no Action, Suit, Prosecution, Information, Appeal or other Proceedings, to be had, taken, prosecuted or defended, by or against the said Trustees, or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk; but that the Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent, in any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings (as the Case shall be): Provided always, that every such Clerk, in whose Name or Names any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, shall be had, taken,

taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully re-imburfed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up and build, or cause to be erected, set up, and built, upon, in, or across any Part or Parts of the said Road, or across any Road or Lane that doth or shall lead into or out of the said Road, One or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates; and also One or more Toll House or Toll Houses with Outbuildings suitable thereto, and also to take in and inclose on the Sides of the said Road suitable Garden Spots, not exceeding One Quarter of an Acre each, and from Time to Time pull down and remove such Turnpikes and Toll Houses, as they the said Trustees, or any Five or more of them, shall think proper, and direct or appoint.

Power to erect Turnpikes.

XV. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails, and Fences, Toll Houses and Buildings, which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for Building or Repairing the same, and for completing and repairing the said Road, and all such Materials made use of for the Purposes of this Act, or collected to be made use of, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, in the Name of their Clerk for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb the said Trustees or their Agents or Servants in the Possession thereof.

Turnpikes vested in the Trustees.

XVI. And be it further enacted, That the Tolls following shall and may be demanded and taken, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpikes or Toll Gates respectively; (that is to say),

Tolls.

For every Cart, Chaise, Chair, Whiskey, Gig, or other such like Carriage, having Two Wheels, and being drawn by One Horse, Mare, or Beast of Draught, the Sum of Three-pence:

For every Coach, Chariot, Landau, Berlin, Phaeton, Hearse, Calash, or other such like Carriage, being drawn by Two Horses, Mares, or Beasts of Draught, the Sum of Eight-pence; and if drawn by Three Horses, Mares, or Beasts of Draught, the Sum of One Shilling; and if drawn by Four Horses, Mares, or Beasts of Draught, the Sum of One Shilling and Four-pence:

For every Waggon, Wain, Cart, or other such like Carriage, whether with Two Wheels or with Four Wheels, and being drawn by Two Horses, Mares, or Beasts of Draught, the Sum of Six-pence; and if drawn by

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Three

Three Horses, Mares, or Beasts of Draught, the Sum of Nine-pence; and if by Four, the Sum of One Shilling:

And for every other Horse, Mare, or Beast of Draught, drawing any such Waggon, Wain, Cart, Coach, Chariot, Landau, Berlin, Phaeton, Hearse, Calash, or other such like Carriage, and whether the same shall have Two Wheels or Four Wheels, the Sum of Three-pence:

And also for every Drove of Oxen or other Neat Cattle, the Sum of Four-pence *per* Score, and so in Proportion for every greater or less Number:

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Two-pence *per* Score, and so in Proportion for every greater or less Number:

And for every Horse, Mare, Gelding, Mule, or Ass, whether laden or unladen and not drawing, the Sum of One Penny.

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or across the said Road or any Part thereof, or upon or across any Lane or Way leading into the same: And upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon, the Names of the several and respective Gates which such Tickets shall free, or which ought under the Provisions of this Act to be passed free for One Payment of Toll; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, as hereinafter is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any such Horses or other Cattle or Beasts, or the Bridles, Saddles, Gears, Harness, Accoutrements, or a sufficient Part thereof (except the Bridles or Reins apart from any Horse or Beast) and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle or other Thing so distrained, or a sufficient Part thereof, returning the Overplus (if any) and what shall remain unsold, upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress, and keeping and selling the same, shall be deducted and paid; to be ascertained, in case of Dispute concerning the same, by some Justice of the Peace for the said West Riding of the County of York, as hereinafter mentioned.

Penalty on
refusing to
pay Toll.

No more
than Three
Tolls to be
paid on the
whole Line
of Road, nor
more than

XVII. Provided always, and be it further enacted, That no more than Three Tolls in the Whole shall be demanded or paid, for or in respect of the same Horses, Beasts, Cattle, or Carriages, for Once passing on the same Day through all the Turnpikes or Toll Gates to be erected on the said Road; nor more than One Toll for passing through all the Turnpikes

piques or Toll Gates within the Distance of Two Miles: Provided also, that any Horses, Beasts, Cattle, or Carriages, for or in respect of which the Tolls by this Act granted shall have been paid for passing through any such Turnpike or Toll Gate, shall be allowed to return, through the same Turnpike or Toll Gate, (and also through any other Turnpike or Toll Gate, which under the Provisions of this Act such Payment will clear) on the same Day without Payment of Toll; but shall be again liable to Toll, for the Third Time of passing through any such Turnpike or Toll Gate, and so *toties quoties* for every Third Time of passing through the same Turnpikes or Toll Gates, or any of them.

One Toll in Two Miles; and One Payment to frank Once passing and repassing.

XVIII. And be it further enacted, That in case any Dispute shall happen about the Amount of Toll 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 by the Sale thereof (as the Case may happen) until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the said Riding, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby empowered to administer) and determine the Dispute respecting such Tolls, and the Amount of the Tolls due; and shall also assess the Charges of such Distress, Keeping, and Sale, and shall award such Costs to either Party as to the said Justice shall appear just and reasonable; and such Sums as shall be so determined or assessed to be paid to the Collector or other Person distraining, shall be paid to the said Collector or other Person before he shall be obliged to return the Distress or the Overplus after the Sale thereof, or of any Part thereof; and the Costs which shall be so awarded to any other Person or Party shall, in case of Nonpayment within Four Days after the same shall be so awarded, be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered to grant) and the Overplus (if any) after Payment of such Costs shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels.

Disputes concerning Tolls to be settled by a Justice.

XIX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground or Place, lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her or their Family or Servants); or if any Person or Persons owning or occupying any such Land, Ground or Place, the same not being a Public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, for the Purposes of evading Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, in order to evade the Payment of the said Tolls; or if any Person or Persons shall do any other Act in order to avoid the Payment thereof, or any Part thereof; every such Person so offending in

To prevent Evasion of Toll.

in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act; and it shall be lawful for the said Trustees, or any Five or more of them, if they shall think it necessary, in order to prevent the Evasion of Toll, to erect any Gate or Stile across any Lane or Way leading into the said Road; but the Erection of any such Gate or Gates shall not extend to create an additional Payment of Toll; and if any Person shall pull up, pull down, displace, or damage, any such Hedge, Wall, Bank, Ditch, Gate, or Stile, such Person shall forfeit and pay, over and above the Damage occasioned, any Sum not exceeding Five Pounds.

Collectors
may be
Witnesses.

XX. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

General
Exemptions
from Toll.

XXI. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse, Cattle, Beast, or Carriage which shall not go more than One hundred Yards upon the said Road; or for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for sowing the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Moult, Dung, Compost, or Manure, Chalk, and Lime, employed in Husbandry, for manuring or improving Land, or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or watering Place, or going to be or returning from being shod or farried; or for any Horse, Cattle, or Carriage, going to or returning from any Corn Mill or Malt Kiln situate in any of the Townships or Parishes in which the said Road lies, or with or for any Corn, Grain, Malt, Meal, or Flour, to be ground, made, or smelted, or when so done, for the Owners own Use and Consumption, and not for Sale; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from

visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses, or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming such Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed, or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Passengers
on Election
Days for
Knights of
the Shire
exempted.

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

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

[*Local.*]

U

XXIII. And

Trustees may
lease the
Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Twenty Days Notice to be given thereof, upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one Letting, upon Public Bidding, to the highest Bidder, and for the best Price such Trustees can get for the same, payable Quarterly or otherwise, in advance, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof as the said Trustees, or any Five or more of them, shall think fit; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Lessees or
Persons ap-
pointed by
them, may
collect Tolls.

XXIV. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is subject or liable to.

Enabling the
Trustees to
take Posses-
sion of Toll
Houses when
let to farm.

XXV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases, any Justice or Justices of the Peace for the said Riding shall, and he and they is and are hereby empowered and required, on Application to him or them made by the said Trustees, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more Trustees, to issue his or their Warrant or Warrants, under his or their Hand and Seal or Hands and Seals, directed to any Constable or other Peace Officer for the same Riding, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from

from the Possession thereof, and from the Collection of such Tolls, and to put the said Trustees, or any Three of them, or their Collector or other Officer into the Possession thereof; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think fit,) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part) as if such Demise or Agreement had never been made; and in that case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again, to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XXVI. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered, from Time to Time, as they shall think proper, to lessen and reduce all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again to any Sum not exceeding the Tolls by this Act granted; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes erected by virtue of this Act, at least Twenty Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied: Provided always, that until the whole Money subscribed or borrowed on the Credit of this Act, shall have been paid off or discharged, the Tolls hereby granted shall not be lessened or reduced without the consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon the Credit of the said Tolls, or this Act: Provided also, that it shall be lawful for the said Trustees, or any Five or more of them, to order and direct the Tolls hereby granted to be taken and received in different Portions, at such and so many Gates and Turnpikes which shall be erected upon the said Road, as they shall think proper, and from Time to Time to vary the same Portions at their Discretion, so as not to exceed in the whole the respective Tolls granted by this Act.

Tolls to be lessened or altered by order of Seven Trustees.

Tolls not to be reduced but with consent of Five-sixths in Value of the Creditors.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons, for the passing of any Carriage, Horses, Beasts or other Cattle, travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Calendar Months at any one Time; which Composition Money shall be paid in advance quarterly or otherwise, as the said Trustees, or any Five or more of them, shall appoint; and in Default of such Payment, the Composition or Agreement with such Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may compound for Tolls.

XXVIII. And

For borrow-
ing Money.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Twenty Days Notice shall be given in some public Newspaper circulated in the Neighbourhood of the said Road, and affixed on all the Turnpikes or Gates on the said Road, to borrow and take up at Interest upon the Credit of the Tolls, payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls, or any Part or Parts thereof, and any of the Turnpikes and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls) to any Person or Persons, his, her, or their Executors, Administrators, or Assigns, who shall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Words, or in any other Words to the like Effect (that is to say),

Form of
Assignment.

‘ BY virtue of an Act, passed in the Fifty-sixth Year of the Reign of His Majesty, King *George* the Third, intituled [*here set forth the Title of this Act*], We of the Trustees of the said Road whose Names are hereunto set and Seals affixed, in Consideration of the Sum of by to the Treasurer of the said Road in Hand paid, do grant, bargain, sell, and demise, unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum charged and advanced, or to be charged or advanced on the Credit of the said Tolls; to be had and holden from the Date hereof, for and during the Continuance of the said Act, unless the said Sum, of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed upon the Credit of the Tolls, after the First Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes then erected by virtue of this Act, at least Twenty Days before the borrowing thereof, and the Intention thereof be also advertised Twice at least in some Newspaper usually circulated in the Neighbourhood of the said Road; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered from Time to Time to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect; (that is to say),

‘ I being entitled to the Sum of
 secured to Executors,
 Administrators, and Assigns, by virtue of a Mortgage or Assignment,
 bearing Date the Day of
 in the Year of our Lord under the Hands
 and Seals of of the Trustees acting in Execution
 of an Act passed in the Fifty-sixth Year of the Reign of King George the
 Third, intituled *An Act, [here insert the Title of this Act]* upon the
 Credit of the said Act, do hereby transfer, assign, and set over all my
 Right and Title in and to the same, and all the Principal and Interest
 Money now due and owing thereon, unto Executors,
 Administrators, and Assigns. Dated this Day of
 in the Year of our Lord

Form of
Transfer.

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Twenty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, by the Person or Persons to whom such respective Transfers shall be made; which said Book or Books shall and may be inspected at all seasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

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

No Priority
of Mort-
gages.

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

Application
of the Tolls
and Money
borrowed.

XXXI. And be it further enacted, That the several and respective Persons who have subscribed for any Money, for and towards the making or
 [Local.] X amending,

Subscribers
to pay their
Subscrip-
tions.

amending, widening and repairing the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of their Clerk, and to recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than one Imparance shall be allowed; and all such Monies shall be vested in the said Trustees, and applied for the Purposes of this Act.

Trustees may
widen, turn,
or alter the
Road.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at any Time or Times during the Continuance of this Act, to make, repair, widen, divert, alter or turn, the Course or Path of any Part or Parts of the said Road, within the Limits hereinafter mentioned, upon or over any Commons or Waste Lands (not exceeding Sixty Feet in width) without making any Satisfaction for the same; and also upon, over or through any private Lands or Hereditaments (not exceeding Fifty Feet in width) first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Road or Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove or destroy, any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be
made accord-
ing to the
Map or Plan
deposited at
the Office of
the Clerk of
the Peace.

XXXIII. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments, and Premises, through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said Riding; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said Riding, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map
or

or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across or over the several Lands, Hereditaments or Premises, of any Person or Persons who is or are or may be Owner or Owners of Land or Premises, over which the same is or are set out and described in the said Map or Plan as aforesaid; although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXXV. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make Use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, and other Persons interested therein, first had and obtained, other than and except such as are marked or described in the said Plan and Book of Reference.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any such private Lands or Grounds or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners and Persons interested, or any of them, shall or may any-ways sustain by such making, widening, turning or altering the said Road, or any Part or Parts thereof; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or any Tenant for Life, and all Feoffees in Trust, Executors, Administrators, Guardians or other Trustees whatsoever, for or on Behalf of any Infant, Feme Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds or Hereditaments, either for their own Use or Benefit, or for the Use of, or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees all or any of such Lands and Grounds and Hereditaments, as Occasion shall be and require; and all Contracts, Sales, and Conveyances, which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Purchase of Lands.

Corporations and incapacitated Persons empowered to sell, &c.

XXXVII. And

If Parties
cannot agree
a Jury to
settle the
Value.

XXXVII. And be it further enacted, That in case the said Trustees and any Owner or Owners, or other Person or Persons interested as aforesaid, cannot agree as to the Price or Prices, or the Value of the Lands or Hereditaments so intended to be purchased, then the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, Twenty-one clear Days before any General or Quarter Sessions of the Peace to be holden for the said Riding, to give or cause to be given to such Owner or Owners, and such Persons interested in such Lands and Hereditaments, or to be left at the last Place of Abode of such Owners or Persons respectively, with some or One of their respective Families or Agents, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased, and laid into the said Road, and the Places where the same shall lie, and purporting that the Value or Values of such Lands and Hereditaments respectively, shall be adjusted and settled by a Jury at the said Sessions; and it shall be lawful for the Justices in Sessions, upon Proof on Oath (and which Oath they are hereby empowered to administer) to them, then and there made, of such Notice or Notices having been so given, and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Sheriff of the said County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths, (which Oaths the said Justices are hereby empowered to administer) to assess the Value of the Lands or Hereditaments comprised in the said Notices, and the Damages and Recompence to be given to the respective Owner or Owners thereof, or other Person or Persons, according to their respective Interests therein; and to which said Jurors, or any of them, the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence on Oath (and which Oath it shall be lawful for the Court to administer) to them given, concerning the Nature, Quantity, and Value of the said Lands and Hereditaments, shall by their Verdict assess the Damages and Recompence to be given for the said Lands or Hereditaments, to the respective Owner or Owners thereof, or other Person or Persons, according to their respective Interests; which Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall finally bind, and be conclusive upon, the said Trustees, and all Persons and Parties interested in such Lands and Hereditaments.

Expences of
Jury, how to
be defrayed.

XXXVIII. 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 or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to, and offered by or on Behalf of the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the 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

shall have been agreed to and offered by or on Behalf of the said Trustees before the impanelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne 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 the Justices at such Sessions, not interested in the Matter in question, (who are hereby authorized and required to settle the same) shall be deducted out of the Money so assessed and adjudged as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment 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 on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees, by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

XXXIX. And be it further enacted, That every Sum of Money or Recompence, to be agreed or awarded to be paid for any Lands or Hereditaments to be purchased; taken or used for the Purposes of this Act, or made for any Loss or Damages as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her or their Agent or Agents, and upon Payment thereof, or upon Payment thereof into the Bank of *England*, in Manner by this Act directed, as the Case may be; and after Twenty Days Notice given to such Parties or Persons, or to his, her or their Agent or Agents, or left at his, her, or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be formed and completed, then the Land (not being Common or Waste Land) comprised in or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up and left unrepaired (unless the same may be wanted for any Public Use, or for the particular Convenience of the Occupancy of any Land or Tenements to which the same may lead) or shall be by the said Trustees sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act, and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyances to be made of such Lands, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the said Riding, shall be good and effectual to all Intents and Purposes, and that

Upon Payment of the Purchase Money, the Lands to be laid into the Road, and former Roads may be sold or stopped up.

[*Local.*]

X.

in

Trustees to
fence off the
new Road.

in all Places where the Course of any Part of the present Road shall be diverted by virtue of this Act from the old Line of Road, or a new Road shall be made (except over or through any Common or Waste Land) or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five or more of them, shall and they are hereby required to cause good and sufficient Mounds, Rails and Fences to be made and provided, and Quicksets to be planted in an Husband-like Manner, or sufficient Stone Walls to be built on both Sides of such new Road, where the same is necessary; and shall support such Mounds, Walls, Rails and Fences, for and during the Term of Three Years from the first making thereof.

First Offer to
whom to be
made.

XL. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Parcel of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the said Riding, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the Riding, County or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same Riding, County or Place, next after such Difference shall arise, and on Five Days clear Notice thereof, to be given by the said Trustees to such Owner or Owners, Occupier or Occupiers, or to be left at his, her or their respective Places of Abode, the said Justices shall hear, settle and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales, which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Money.

Justices may
determine
Differences.

Application
of Compen-
sation Money
when
amounting
to 200l.

XLI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any

any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order, made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said High 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 or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, so to be purchased, in case such Purchase or Settlement was made.

XLII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used,

When less than 200l. and amounting to 20l.

or

or of his; her, or their Guardian or Guardians, Committee or Committees in case of Infancy, Idiotcy, Lunacy, or other Incapacity to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less
than 20l.

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

Directions in
Cases of not
making out
Titles.

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased, taken, or used under or by virtue of the Powers of this Act for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of

of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

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

Respecting
disputed
Titles.

XLVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased, taken or used under the Authority of this Act, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery 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 to the said Court shall seem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of
Chancery
may order
Trustees
to pay
Expences.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, get, and take away, any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials, for making, amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any Common River or Brook, in any Parish, Hamlet, Township or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, within the said Riding, without paying any Thing for the same; they the said Surveyor or Surveyors, or other Person or Persons, filling up

For getting
Materials to
repair the
Roads.

[*Local.*]

Z

the

the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle, and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the said Riding, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away, any such Materials, in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place, in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials, for amending, altering, improving, or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for the said Riding, shall and may adjudge and determine to be reasonable; which Judgment or Order of such Justice or Justices therein, shall be final and conclusive to all Parties: Provided also, that no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill Wear or Dam, on any Account or Pretence whatsoever.

Notice to be
given before
Materials
taken.

XLVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owners or Occupiers of the Premises, from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the said Riding, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent shall attend pursuant to such Notice, but shall not shew sufficient cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any One of them are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his Agent had attended.

XLIX. And be it further enacted, That if any Person whomsoever shall take away any Materials, which have been dug, gathered or got, in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall 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 said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any Private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own Private Use only, and not for Sale, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties on
taking away
Materials.

L. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by Direction of and under the Hands of Three or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road, by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses or Drains, running along, into or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper, any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as such Surveyor or Surveyors shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any Trees, Branches, Shrubs or Bushes, growing on the said Road, or in the Hedges or Banks adjacent thereto (except Trees planted for Ornament or Shelter to the House, Building, Garden or Courtyard, of the Owner thereof) and to cut and reduce all such Hedges to the Height of Five Feet, in case the Persons occasioning such Nuisances and Annoyances, shall neglect to remove the same within the Space of Ten Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes, or Lops, or reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days, or to cut down such Trees within the Space of Two Calendar Months next after Notice in Writing given for those respective Purposes, under the Hand of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, or cutting down or topping or lopping of Trees; the Charges whereof (to be settled by any Justice or Justices of the Peace for the said Riding) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if, after the Removal of any of the said Nuisances and Annoyances, any Person shall again offend in the like Manner, every such Person shall, for every such subsequent Offence, forfeit any Sum not exceeding Ten Pounds, over and above the Expences and Charges thereby occasioned.

For removing
Annoyances.

LI. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn, upon, over, or across any Part of the said Road any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon over, or across, any Part of the said Road to the Prejudice thereof,

Against
drawing
Timber, &c.
except on
Wheel Car-
riages.

thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dung, &c.
not to be laid
on the Sides
of the Road.

LII. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing for the Purpose of Manure, shall be unloaded or laid down from any Carriage, upon any Open or Common Land lying within Twenty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Road, within Twenty Feet of the Centre of such Road; upon Pain that the Owner or Owners of every such Carriage so employed, or the Driver or Drivers thereof, shall forfeit for each and every Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To make
Causeways,
&c. and build
and repair
Bridges.

LIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by the said Trustees, or any Three or more of them), to make or cause to be made Causeways, and also covered or open Drains and Ditches, in, and upon, or on the Side or Sides of the said Road, and also through any Grounds or Fields lying contiguous thereto; and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Road; and also to make or cause to be made a Road through the Grounds or Fields adjoining, or lying near to any hollow way, narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, or Planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a Public Highway whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same; making such Recompence to the Owners and Occupiers of the Private Grounds respectively, for the Damages they shall or may thereby sustain, as the Parties shall agree upon, or if they shall not agree, then as shall be adjudged reasonable by any Two or more Justices of the Peace for the said Riding; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any uncultivated Common or Waste Ground; and also by order of any Three or more of the said Trustees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch or Drain therein, or contiguous thereto; and also to repair and keep in Repair any Bridge or Bridges, Arch or Arches, now erected and built, or to be hereafter erected and built, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch or Drain therein or contiguous thereto; Notice of such Intention to build, erect or repair any such Bridge, being first given, by affixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act, at least Fifteen Days before such Meeting, at which such Order, to build, erect, or repair any such Bridge, shall be made.

Mile Stones
and Direc-
tion Posts.

LIV. And be it further enacted, That the said Trustees, or any Three or more of them, shall cause the said Road to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the

the Number of Miles and Distances of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up, any of the Mile Stones or Posts erected upon or near any Part of the said Road, or shall obliterate or deface any of the Letters, Figures or Marks thereon, and be thereof convicted before any Justice of the Peace for the said Riding, by the Confession of the Party or by the Oath of any credible Witness, such Person or Persons so offending shall forfeit and pay (over and above the Amount of Damages occasioned) any Sum not exceeding Five Pounds, together with all reasonable Costs and Charges of such Information, for every such Offence; One Moiety of which Penalty shall be paid to the Informer, and the other Moiety applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted, shall not be able or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the said Riding, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol for the said Riding, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month, unless such Penalty, Costs, and Charges shall be sooner recovered and paid.

LV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent, as they would have been liable and chargeable in case this Act had not been passed.

Persons liable to repair the Road or maintain Bridges, to continue so.

LVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Riding, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order,) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations

Respecting Statute Work.

Justices to determine Differences.

[Local.]

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lations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect, for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order, such and so many of the Persons who shall appear to be 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 may also order and direct the Persons, who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who 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 turn off the Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For compounding for Statute Work.

LVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road lies, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work, to be by

all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in Advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

LVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall or may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons, for the amending, widening, improving, and keeping in Repair the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into, pursuant to an Order made at any Meeting by such Trustees, or any Five or more of them, shall be binding on the said Trustees, and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Road.

LIX. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall, and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, or having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers; then and in every such

Penalty on Collectors for misbehaving.

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Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid, shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Recovery of
Penalties and
Forfeitures ;

and Appli-
cation
thereof.

LX. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the said Riding, either by the Confession of the Party offending, or by the Oath of any 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) and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels ; and the Monies arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road ; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said Riding, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing
transient
Offenders.

LXI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said Riding, near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice or Justices shall and is and are hereby required to proceed and act, with respect to such Offender or Offenders, according to the Provisions of this Act.

LXII. And, for the more easy and speedy Conviction of Offenders against this Act, 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 following Form of Words, or in any other Form of Words to the same effect, as the Case shall happen ; (that is to say),

BE it remembered, That on the _____ Day of _____ Form of
 _____ in the Year of our Lord _____ Conviction.
 _____ is convicted before _____ of His Majesty's Justices of
 _____ the Peace for the West Riding of the County of York, of [*specifying*
 _____ the Offence, Time and Place when and where the same was committed, as
 _____ the Case shall be.] Given under my Hand and Seal the Day and Year
 _____ First above mentioned.'

LXIII. And be it further enacted, That no Order made touching or Proceedings
 concerning any of the Matters in this Act contained, or any Proceeding not to be
 to be had touching the Conviction of any Offender or Offenders against quashed for
 this Act, shall be quashed for Want of Form, or be removed or remo- want of Form.
 vable by Certiorari, or any other Writ or Process whatsoever, into any of
 His Majesty's Courts of Record at *Westminster*; and that where any Dis-
 tress 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 Ac-
 count of any Defect or Want of Form in the Summons, Conviction,
 Warrant of Distress, or other Proceedings relating thereto, nor shall the
 Party or Parties distraining, be deemed a Trespasser or Trespassers *ab initio*
 on account of any Irregularity which shall be afterwards done by the Party
 or Parties distraining, but the Person or Persons aggrieved by such Irregu-
 larity, shall and may recover full Satisfaction for the Special Damage (if
 any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall re-
 cover in any such Action for such Irregularity as aforesaid; if Tender of
 sufficient Amends hath been made for or on Behalf of the Party dis-
 training before such Action brought.

LXIV. Provided always, and be it further enacted, That if any Person or Persons
 Persons shall think himself, herself, or themselves aggrieved by any Thing aggrieved
 done in pursuance of this Act, and for which no particular Method of may appeal to
 Relief hath been already appointed, such Person or Persons may appeal to the Quarter
 the Justices of the Peace at any General Quarter Sessions of the Peace to Sessions.
 be holden for the said Riding, within Six Calendar Months after the Cause
 of such Complaint shall have arisen, such Appellant or Appellants first
 giving or causing to be given Thirty 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 the said Riding, with Two sufficient Sureties, conditioned to
 try such Appeal, and abide the Order of, and pay such Costs as shall
 be awarded by the Justices at such Sessions, and the said Justices at such Ses-
 sions upon due Proof of such Notice being given as aforesaid, and of the en-
 tering into such Recognizance, shall hear and finally determine the Cause
 and Matter of such Appeal in a summary Way, and award such Costs to the
 Party or Parties appealing, or appealed against, as they the said Justices shall
 think proper; and the said Justices may, if they see Cause, mitigate any Fine,
 Penalty or Forfeiture, and may also order such further Satisfaction to be
 made to the Party or Parties so injured as they shall judge reasonable; and
 the Determination of such Quarter Sessions shall be final, binding, and con-
 clusive to all Intents and Purposes; and the said Justices may also at such Ses-
 sions, by their Order or Warrant, levy such Costs so awarded, by Distress
 and Sale of the Goods and Chattels of the Person or Persons who shall refuse
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to pay the same, and for want of sufficient Distress, may commit such Person or Persons to the Common Gaol of or for the said Riding, or to any House of Correction within the same, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of
Actions.

LXV. And be it further enacted, That no Action or Suit shall be commenced for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or a 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 laid and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may, at his and their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, 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 Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

LXVII. And be it further enacted, That this Act shall commence and take effect on the passing thereof, and shall continue and be 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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