



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. xxxvii.

An Act for making and maintaining a Turnpike Road from the South End of *Angel Lane*, in *Brampton Bierley*, to a certain Public Highway in *Mexbrough*; and also from *Clegg's Cottage*, in *Rawmarsh*, to the North End of *Kilnhurst Bridge*; and from the South End of the said Bridge, to the West End of the Village of *Hooton Roberts*, in the West Riding of the County of *York*. [8th May 1818.]

WHEREAS the making and maintaining a Turnpike Road from the Road between *Rotherham* and the East Side of *Tankersley Park*, at the South End of *Angel Lane*, in the Township of *Brampton Bierley*, to join the public Highway, in the Township of *Mexbrough*, at the North-east Corner of a Parcel of Ground, lately set out and allotted to or for the Pindar of *Swinton*, by virtue of an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act for inclosing Lands in the Township of Brampton, Wath-upon-Dearne, and Swinton, in the West Riding of the County of York*, through the several Townships of *Brampton Bierley, Rawmarsh, and Swinton*, in the several Parishes of *Wath-upon-Dearne, Rawmarsh, and Mexbrough*, in the West Riding of the County of *York*; and also another Turnpike Road or Branch to unite with the aforefaid intended Turnpike Road, at, or from, or near to a certain Dwelling House, called *Clegg's Cottage*, in the Township of *Rawmarsh*, to the North End of the Bridge at *Kilnhurst*, erected across the River *Dunn*, and from the South End of the said Bridge, to join the Turnpike Road between *Rotherham* and *Doncaster*, at the West End of the Village of *Hooton Roberts*, through the several Townships of *Raw-*  
[Local.] 9 Y *marsh,*



Trustees.

*marsh, Swinton, and Hooton Roberts, in the several Parishes of Rawmarsh, Wath-upon-Dearne, Mexbrough, and Hooton Roberts, in the said West Riding of the County of York, would be of great Benefit and Advantage, and attended with much Convenience and Accommodation to the Owners and Occupiers of Estates within the said Parishes, which are very populous, and in which several considerable Earthenware Manufactories and Collieries are open, working, and carried on, and also to the Inhabitants of the adjacent Country, and would likewise be of great public Utility; but, as the same cannot be effected without the Authority of Parliament, May it 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 Right Honourable Charles William Wentworth Fitzwilliam Viscount Milton, the Honourable General Sir William Lumley, the Honourable Frederick Lumley, John Fullerton, Sir Francis Lindley Wood Baronet, Godfrey Higgins, James Archibald, Stuart Wortley, the Reverend Thomas Bosvile, Henry Bower, John Seddon Bower Doctor of Physic, Charles Bowns, Thomas Bingley, William Bingley, William Bingley of Wombwell Woodhead, Thomas Bingley the younger, Godfrey Bingley, Thomas Brameld, Frederick Brameld, John Wager Brameld, William Blacksmith, Joseph Clarke, John Clarke, John Cooke of Maltby, William Cooke, the Reverend Stuart Corbet Doctor in Divinity, Samuel Clarke, John Crowder, the Reverend Charles Wolff Eyre, Francis Offley Edmunds, Thomas Eyre, John Foljambe, Francis Ferrand Foljambe, George Foljambe, Henry Foljambe, John Firth, Charles David Faber, William Firth, the Reverend John Foster, Edward Foster, Philip Hawley, William Wilson Kent, Henry Kater, the Reverend John Lowe, the Reverend John Lowe junior, the Reverend James Lowe, Robert Leighton, Samuel Thompson Lunn, John Marriott, Thomas Marriott, the Reverend Henry Stephen Milner Doctor of Laws, Charles Newton, Robert Otter, William Rhodes, George Roberts, Samuel Shore, Samuel Shore junior, Sydney Shore, the Reverend Thomas Trebeck, the Reverend Edward James Townsend, William Turner, Fountague John Woodyeare, Henry Walker, Samuel Walker, Jonathan Walker, Joseph Walker, the Reverend Henry Watkins, the Reverend Henry Watkins the younger, George Walker, Thomas Wright of Rotherham, Thomas Wright of Eastwood, John Wainwright, and John Woodcock, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, widening, improving, and keeping in Repair the said intended Roads, 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 said Trustees at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Ten in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby mentioned; and that such Trustees so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed in and by this Act.

Appointment of Trustees in the Room of

III. And be it further enacted, That when any Trustee shall die, or shall signify his Intention not to act, by Writing under his Hand delivered to the Clerk of the said Trustees, it shall and may be lawful for the surviving



or remaining Trustees or any Five or more of them, from Time to Time, by Writing under their Hands, at any Meeting, whereof at least Ten Days Notice shall have been given upon all the Turnpike or Toll Gates to be erected in pursuance of this Act, to nominate and appoint one other Person to be a Trustee in the Room and Place of every Trustee so dying or refusing to act as aforesaid; and all Persons who shall be so nominated and appointed, (being qualified as herein-after mentioned), are hereby invested with the same Powers and Authorities for putting this Act into Execution, as the Persons in whose Places they shall be respectively nominated and appointed were invested with.

such as shall die or refuse to act.

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 be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of Forty Pounds above Reprizes, or shall be Heir apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds above Reprizes, or shall be possessed of or entitled unto a clear personal Estate, of the Amount or Value of Eight Hundred Pounds.

Qualification of Trustees.

V. Provided also, and be it further enacted, That every Trustee appointed, or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath or Affirmation herein-after mentioned) shall take and subscribe an Oath (or in the Case of a Quaker, an Affirmation) before any Two or more of the said Trustees, who are hereby empowered to administer the same, in the Words or to the Effect following;

Trustees to take an Oath.

‘ [IN the Case of an Owner of Real Estate,] I,  
 ‘ do swear [or being one of the People  
 ‘ called *Quakers*, do solemnly affirm], That I am truly and *bonâ fide* seised  
 ‘ or possessed of in my own Right [or, in the Right of my Wife] and in  
 ‘ the actual Possession or Receipt of the Rents and Profits of Messuages,  
 ‘ Lands, Tenements, or Hereditaments of the clear Yearly Value of  
 ‘ above Reprizes: [or, in case of an  
 ‘ Heir apparent] I do swear, [or,  
 ‘ being one of the People called *Quakers*, do solemnly affirm], That I am  
 ‘ Heir apparent of who, to the best  
 ‘ of my Knowledge, is truly and *bonâ fide* seised or possessed of, and in the  
 ‘ actual Possession or Receipt of the Rents and Profits of Messuages,  
 ‘ Lands, Tenements, or Hereditaments of the clear Yearly Value of  
 ‘ above Reprizes: [And in case of  
 ‘ Personal Estate] I do swear, [or, being  
 ‘ one of the People called *Quakers*, do solemnly affirm], That I am truly  
 ‘ and *bonâ fide* possessed of or entitled to a clear Personal Estate of the  
 ‘ Amount or Value of ; and that  
 ‘ I will truly and faithfully execute the Powers and Trusts reposed in me  
 ‘ as a Trustee, by virtue of an Act passed in the Fifty-eighth Year of the  
 ‘ Reign of His Majesty King *George* the Third, intituled *An Act* [here  
 ‘ set forth the Title of this Act], according to the best of my Skill and  
 ‘ Judgment, without Favour or Affection, to any Person or Persons  
 ‘ whomsoever. ‘ So help me GOD.’

And



Penalty on  
Persons act-  
ing not being  
qualified.

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, (except in administering such Oath or Affirmation as aforesaid), or being so qualified, shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation, (except as aforesaid), every such Person so offending in all or any of the Premises 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 with full Costs of Suit, 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, or more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all such Acts and Proceedings of any such Person acting or who shall act as Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act; and that no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit, or be concerned or interested in any Contract, or shall be a Lessee or Farmer of the Tolls, or any Part thereof, under this Act; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, be capable of acting as a Trustee, or of taking, holding, or enjoying any Place of Profit under this Act; but no such Person shall be precluded from farming the Tolls to be collected by virtue of this Act, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Acts of un-  
qualified  
Trustees pre-  
vious to Con-  
viction, valid.

Persons hold-  
ing Places of  
Profit under  
this Act, not  
to act as  
Trustees;  
Victuallers,  
&c. not to act  
as Trustees,  
or to hold any  
Place of  
Profit under  
this Act.

Justices may  
act in both  
Characters.

Trustees  
lending  
Money not to  
be disqualified  
on that  
Account.

First and  
subsequent  
Meeting.

VI. Provided also, and be it further enacted, That all such Trustees as are Justices of the Peace may act as Justices of the Peace, within their respective Jurisdictions, in the Execution of this Act, notwithstanding their being Trustees (except only in Cases where they are personally interested); and 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 be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

VII. And be it further enacted, That the said Trustees or any Five or more of them shall meet at the House known by the Name or Sign of the *Gate*, in *Swinton* aforesaid, now in the Occupation of *William Birks*, on the Third *Thursday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at such Time and Place in or near the said Road, as the said Trustees, or any Five or more of them, shall from Time to Time think proper; and that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act or adjourn to another Day, the Trustee or Trustees then present, or the

the Clerk or Clerks to the said Trustees, shall from Time to Time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Turnpike Gates, which shall then be erected upon the said Road, at least Ten Days before the next intended Meeting, adjourn the Meeting to such Time and Place, as he or they shall think fit, not exceeding Twenty-one Days from the Time, at which the last Meeting was appointed to be held; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings, to be held in pursuance of this Act (except as hereinafter excepted); and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination.

Trustees to pay their own Expences.

Determination at a Meeting to be by the Majority present.

VIII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall at any Time be thought expedient or necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by any Three or more of them, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order of the said Trustees (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Proceedings of the Trustees, at such Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of an Adjournment; and the said Trustees, or a Majority of them, at all Meetings to be held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations and Agreements in the Execution of this Act, and no such Order, Determination or Agreement, shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein.

Meeting on Emergencies.

IX. And be it further enacted, That all Acts, Proceedings, Matters and Things, relative to the Execution of this Act, may be done and executed by any Five or more of the said Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except such as are herein particularly directed to be done and executed by any greater or less Number of them.

All Acts to be done by Five or more Trustees, unless otherwise directed.

X. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, 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, or more than one Imparlance, shall be allowed.

Trustees not to be concerned in Contracts.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered, by Writing under their Hands from Time to Time, to appoint a Clerk or Clerks, Treasurer

For appointing Officers.

[Local.]

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Officers to  
account.

urer or Treasurers, Surveyor or Surveyors, Collector or Collectors, and such other Officers and Persons as they shall think necessary to be employed in the Execution of this Act; and from Time to Time to remove, and on Removal, Death, or Resignation of any such Clerks, Treasurers, Surveyors, Collectors or other Officers, to appoint others in their Stead; and out of the Monies to arise by virtue of this Act to make, allow, and pay such Salaries, Rewards, and Allowances to the said Clerks, Treasurers, Surveyors, Collectors and other Officers and Persons for their Attendance, Care, Labour, and Services, as to them, the said Trustees, or any Five or more of them shall seem reasonable; and all such Officers and Persons shall, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them shall direct, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been, by such Officers and Persons respectively received and collected, by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers and Receipts for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to produce and deliver up such Vouchers and Receipts, or shall neglect or refuse to pay the Money due on such Account, in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required in Writing by the said Trustees, or any Five or more of them, all Books, Papers, or Writings in his or their Custody or Power, relating to the Execution of this Act, that then, and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County or Place wherein such Person may be or reside, upon Complaint being made to them by any Two or more of the said Trustees, and such Justices within their respective Jurisdictions are hereby authorized and required, by Warrant or Warrants, under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or upon the Oath or Oaths of any Witness or Witnesses, or upon the Inspection of the Accounts, if produced, it shall appear to such Justices, that any of the Monies which have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under their Hands and Seals, 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 can be found, sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, at the Time and Place by them appointed for that Purpose, or if appearing, shall refuse or neglect



neglect to give and deliver to such Justices, an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, 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 Justices may, and are hereby authorized and empowered, by a Warrant or Warrants, under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction, of the County or Place, where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have given and made a perfect and true Account and Payment as aforesaid, or until he or they shall have compounded or agreed with the said Trustees, and have paid such Composition Money, in such Manner as the said Trustees, or any Five or more of them shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), or until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or shall give Satisfaction in respect thereof to the said Trustees: Provided always, that no Person, who shall be committed for Want of a sufficient Distress, shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers, to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees or any Five or more of them shall think proper.

Treasurers and Receivers to give Security.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer, for the Purposes of this Act, or to appoint the Person, who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk, in the Execution of this Act, every Person so offending 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, Suit, or Information, wherein no Essoign, Protection or Wager at Law, nor more than one Impar lance shall be allowed.

Offices of Clerk and Treasurer not to be held by one Person.

XIV. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees; but the Clerk or Treasurer for the Time being to the said

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



Clerk or  
Treasurer to  
be reim-  
bursed his  
Expences.

said Trustees, shall always be deemed the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Clerk or Treasurer, in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event, or in consequence of any such Action, Suit, or Proceedings he shall bear, pay, expend, or be put to, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein as aforesaid.

Orders to be  
entered, and  
Books ad-  
mitted as  
Evidence.

XV. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or by their Clerk, which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever.

Trustees to  
appoint  
temporary  
Collectors.

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding or Absence of any Collector or Receiver of the Tolls hereby granted, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and lawfully may, by Writing under their respective Hands, nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver so dying, incapacitated, absconding or absenting; 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 the Person so dying, becoming incapable, absconding or absenting, would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person, having the Possession of any Toll Gate, Turnpike, Toll House or Building, to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Five or more of the said Trustees, or by their Clerk or Treasurer for the Time being, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County or Place, where such Toll Gate, Turnpike, Toll House or Building shall be situated, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, for such County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, Chattels and Effects, out of the same, and to put the said Trustees, or any Five or more of them, or any of their Officers, or other Persons, into the Possession thereof, for the Purpose of collecting and receiving the Tolls herein granted and made payable.

Collectors to  
deliver up  
Turnpikes  
and Toll  
Houses, when  
demanded.

Toll-Gates,  
&c. to be  
erected.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, or such other Person or Persons as they, or any Five or more



more of them shall appoint, shall and may erect and set up, or cause to be erected and set up, such and so many Toll Gate or Toll Gates, Turnpike or Turnpikes, Weighing Machine or Weighing Machines, upon, in, or across such Part or Parts of the said Roads as they the said Trustees or any Five or more of them shall think proper and expedient; and also shall and may erect, set up and provide a Toll House or Toll Houses, with suitable Out-buildings and other Conveniences thereunto, at or near each of the said Toll Gates or Turnpikes and Weighing Machines, and from Time to Time take down, remove, alter or discontinue any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Toll House or Houses, Weighing Machine or Weighing Machines, or other Buildings, and remove the same to any other Part or Parts of the said Roads, as they the said Trustees, or any Five or more of them, shall think expedient.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take at each and every Toll Gate and Turnpikes, which shall be erected and set up by virtue of this Act, the several Tolls following; (that is to say), Tolls to be taken.

For every Horse, Mule or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricule, Phaeton, Caravan, Hearse, Chair, Taxed Cart, or other such like Carriage, the Sum of Sixpence: Tolls.

For every Horse, Mule or other Beast, drawing any Waggon, Cart or other Carriage of the like Nature, with Wheels of the Breadth of Six Inches and upwards, where such Waggon, Cart or other Carriage shall be drawn by one Horse, Mule or other Beast only, the Sum of Three-pence:

For every Horse, Mule or other Beast, drawing any Waggon, Cart or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, where such Waggon, Cart or other Carriage shall be drawn by one Horse, Mule or other Beast only, the Sum of Sixpence:

For every Horse, Mule or other Beast drawing any Waggon, Cart or other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, where such Waggon, Cart or other Carriage, shall be drawn by more than one such Horse, Mule or other Beast, the Sum of Two-pence each:

For every Horse, Mule or other Beast, drawing any Waggon, Cart or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, where such Waggon, Cart or other Carriage, shall be drawn by more than one such Horse, Mule or other Beast, the Sum of Four-pence each:

For every Horse, Mule or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

For every Drove of Calves, Sheep, Lambs or Swine, the Sum of Five-pence per Score, and so in proportion for any less Number.

And that an Addition of One Half of the said respective Tolls shall and may be demanded and taken on every *Sunday* during the Continuance of this Act: Which said respective Tolls or Sums of Money shall be demanded Additional Half Toll to be taken on Sundays.

[Local.]

to A

and



Tolls vested  
in Trustees.

and taken before any Carriage, Horse or Horses, Beast or other Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike; and all and every such Tolls and Sums of Money, which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by the Person or Persons, so authorized to receive the same, neglect the Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person or Persons appointed, as aforesaid, for collecting such Tolls, to seize and distrain any Carriage, Horse, Beast or other Cattle, upon which any Toll is by this Act imposed, or any of the Loading, Harners, or Accoutrements thereof respectively, (save and except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Distress, and of keeping the same, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage or other Property so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) to arise by such Sale, and what shall remain unfold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges attending such Distress and Sale, shall be deducted.

No more  
than Two  
Tolls to be  
paid on the  
whole Line  
of the said  
Roads;

and Tolls to  
be taken but  
once a Day.

XIX. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay the said Tolls for or in respect of any such or the same Horse, Beast, Cattle or Carriage, at more than Two Turnpikes or Toll Gates, to be erected on the said Road, between the South End of *Angel Lane* and the Township of *Mexbrough*; nor at more than Two Turnpikes or Toll Gates to be erected on the said Road, between the South End of *Angel Lane* aforesaid, and the West End of the Village of *Hooton Roberts*; and that if any Person or Persons shall have paid the said Tolls for the passing of any Horse or Cattle, Beast or Carriage, through any of the Turnpikes or Toll Gates to be erected or set up by virtue of this Act, such Person or Persons shall be permitted to pass Toll-free with the same Horse, Cattle, Beast or Carriage, through the same Turnpike or Toll Gate, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

The Inha-  
bitants of  
Swinton only  
liable to One  
Half Tolls  
going with  
Corn to  
Rotherham  
Market;

but to an  
additional  
Half Toll, if  
their Car-

XX. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend, to empower the said Trustees to cause to be demanded or taken of and from any Person or Persons, being an Inhabitant or Inhabitants of the Township of *Swinton* aforesaid, more than One Half of the aforesaid Tolls at any Turnpike or Toll Gate, to be erected by virtue of this Act, between the East End of the Village of *Swinton* and the North End of the *Rotherham* and *Swinton* Turnpike Road, at the South End of *Pottery Lane*, for, or in respect of any Horse or other Beast, Waggon, Cart or other Carriage laden or loaded with, or employed in carrying or conveying Corn or Grain of any kind, from or out of any Part or Parts of the Township of *Swinton* to the Market at *Rotherham*: Provided nevertheless, that in case any such Horse or other Beast, Waggon, Cart or other Carriage, shall not return from the



said Market at *Rotherham* unladen or empty, then the Person or Persons using such Horse or other Beast, Waggon, Cart or other Carriage, shall be liable to pay an additional Half of the aforesaid Tolls at such last mentioned Turnpike or Toll Gate.

riages, &c.  
do not return  
empty.

XXI. Provided always, and be it further enacted, That if any Dispute shall happen concerning the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls due and the Charges of seizing, distraining, keeping and selling the same (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen, who, upon Application made to him for that Purpose, shall examine the Matter on Oath or Affirmation of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

If any Dispute shall arise touching the Amount of the Tolls to be paid, the Collector distraining may keep the Distress until the Matter shall be settled.

XXII. 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 or direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk 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 reasonable 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, or any of them, shall or 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 shall refuse to permit the said Trustees, or such Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money, not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

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

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

Collectors of Tolls not to be deemed incompetent Witnesses.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect or cause to be erected one or more Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars,

Side Gates may be erected.



Bars, Chain or Chains, on the Side or Sides of the said Roads, and upon, in, or across any Road, (not being a Turnpike Road), Lane, or Byeway leading into or out of the same, and at such Gate or Toll Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Toll Gate or Toll Gates, Turnpike or Turnpikes to be erected by virtue thereof.

Toll Houses,  
&c. vested in  
Trustees.

XXV. And be it further enacted, That the Right and Property of and in all the Toll Gates, Turnpikes and Toll Houses, and the several Buildings, Conveniencies, and Appurtenances thereunto belonging, which shall be erected or provided by virtue of this Act, and of and in the Materials for building and repairing the same, and for repairing the said Roads, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be, and the same are hereby vested in the said Trustees for the Time being, and they are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails and Fences, or any of the Conveniencies and Appurtenances thereto belonging, or any of the Materials aforesaid.

Punishing  
Toll Collec-  
tors mis-  
behaving.

XXVI. And be it further enacted, That all and every the Toll Collectors, 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 Toll Gate or Toll Bar to be 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, on the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll, or 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 Black Letters on a White Ground, or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls, or 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, on 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 denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, 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 Toll Gate or Toll Bar, or shall make use of any  
scurrilous



scurrilous or abusive Language to any Traveller or Passenger, then and in every such 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.

XXVII. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by virtue of this Act, 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 Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought under the Provisions of this Act to be passed free for one Payment of Toll. Tickets to be delivered.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, so that the same, or any Part thereof, be not reduced more than One Half; and such Tolls, so lessened or reduced, shall continue to be demanded and taken for such Time or Times as they the said Trustees or any Five or more of them shall think proper; and afterwards from Time to Time to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and such reduced Tolls shall and may be demanded, collected, recovered, paid, applied, and assigned in such and the same Manner as the said Tolls are directed to be demanded, collected, recovered, paid, applied, and assigned; but no such Reduction shall be made, unless the Person or Persons who shall be entitled to Four-fifth Parts of the Money which shall have been lent on the Credit of the Tolls intended to be reduced, shall be consenting thereto; and no such Meeting shall be held for the Purposes of such Reduction, unless Ten Days previous Notice at the least shall be given thereof in Writing, to be affixed on all the Toll Gates or Turnpikes which shall then be erected by virtue of this Act upon the said Roads. Tolls may be lessened, and raised again.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting whereof Fourteen Days Notice shall have been given in Writing, to be affixed upon all the Toll Gates or Turnpikes then erected upon or across the said Road from Time to Time, by Writing under their Hands, to lease and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time, in such Manner, and under such Conditions and Agreements, and to such Person or Persons, with such Sureties for the Payment thereof, as they the said Trustees or any Five or more of them, shall think fit; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased or demised are directed to be applied. Tolls may be leased.

XXX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates or Turnpikes erected or to be erected on the Obtaining Possession of  
[Local.] said



Toll Houses  
when let to  
farm.

said Roads shall at any Time or Times during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, 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 for the Space of Twenty-one Days next after any or either of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same; then, and in either of the Cases aforesaid, it shall be lawful for any one Justice of the Peace for the County, Riding, or Place where such Toll Gates or Turnpikes shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and take Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made; and it shall 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 Person or Persons, or cause them to be taken and collected, in such Manner as if no former Contract or Agreement had been entered into relative thereto.

Trustees  
empowered  
to compound  
for Tolls.

XXXI. And be it further enacted, That the said Trustees or any Five or more of them shall and may, and they are hereby authorized and empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons for the Passage of all or any Description of their Horses, Cattle, Beasts, or Carriages through all or any of the Turnpikes or Toll Gates to be erected on the said Roads, or on the Sides thereof; which Composition shall be paid Yearly in advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are hereby directed to be paid and applied.

Penalty on  
evading Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, go or pass through or over any Occupation Road, Land, Ground, or Place lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family), with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons, being the Owner or Occupier of any such Ground, Land, or Place, shall knowingly or wilfully permit or suffer any Person or Persons (not being in his, her, or their Service or Employ, or of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever,



to go or pass through or over such Land, Ground, or Place, with Intent to evade any of the said Tolls; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or shall take off, or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate or Turnpike, or having passed through any Toll Gate or Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall or may be evaded, such Person or Persons, and every of them, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXXIII. And be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage or Horse, or other Beasts employed in carrying or conveying, or going to carry or convey, or returning after having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships in which any Part of such Roads doth lie; or any Hay, Clover, Turnips, Straw, or Corn in the Straw, or other Produce of the Land, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owner or Owners, Occupier or Occupiers thereof; or for any Horse, Beast, Cattle or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; or for any Waggon, Wain, Cart, Carriage or Horse, or other Beasts employed in carrying or conveying, or going empty to carry or convey, or returning after having been employed in carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or other Implements of Husbandry, or any Lime, Mould, Dung, Compost, or Manure whatsoever for manuring Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to perform or returning after having been performing Duty at any Church or Chapel; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection or Review, provided that such Person is or shall be dressed in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for any Horses, Cattle or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority

General  
Exemptions.



Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning back after having been employed in conveying the same; or for any Horses, Carts or Waggon attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them, laden with their Arms or Baggage; or for any 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 after having been so employed; or for any Horses, Carts or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horses, Cattle, Beasts or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, or of a Burgess or Burgesses to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and that if any Person or Persons shall in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Exempting  
Carriages  
conveying  
His Majesty's  
Stores, &c.  
from Penal-  
ties for  
Overweight.

XXXIV. 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.

Application  
of the Tolls  
and the  
Money to be  
borrowed.

XXXV. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes herein-after mentioned (that is to say), in the first Place, in Payment of all the Costs, Charges, and Expences which have been incurred in, or incidental to, or attending the applying for or obtaining and passing this Act; in the second Place, in defraying the Expences of purchasing Land and such Dwelling Houses and Buildings as are hereby authorized to be taken and pulled down, and which may be necessary for making and widening of the said intended Roads; in the third Place, in paying the Interest accruing from Time to Time upon the several principal Sums of Money which shall from Time to Time be borrowed



borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Turnpikes, Toll Houses and other Buildings, and of keeping the same in Repair, and of altering, widening, repairing and preserving the said Roads hereby intended to be made as aforesaid, and otherwise executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums of Money which shall be secured in pursuance of this Act, in such Manner as the said Trustees shall think most proper.

XXXVI. And whereas by reason of the great Number of Waggon, Carts and other Carriages which pass and repass along the several public Highways within the Townships aforesaid from all Parts of the adjacent Country, the Expences of maintaining and keeping the said Highways in good and proper Repair are very considerable and burthensome, in consequence of which it will be of great Benefit and Advantage to the several Inhabitants of and Occupiers of Lands and Hereditaments within the said several Townships respectively, who are liable to be rated and contribute to the Support of the said public Highways, to borrow and take up at Interest certain principal Sums of Money, for the Purpose of subscribing and lending the same to the Trustees for making and maintaining the said Turnpike Roads, upon the Credit of the Tolls to arise therefrom by virtue of this Act, and to repay the said principal Monies so to be borrowed, together with legal Interest for the same, by an Addition to the Highway Rates of the said several Townships respectively, by equal Annual Payments, to be determined at the Expiration of Twenty Years from the passing of this Act, and subject to the Proviso as to the Rates *per Centum per Annum* herein-after expressed; be it therefore enacted, That it shall and may be lawful to and for the respective Surveyors of the Highways, Churchwardens, and Overseers of the Poor of the said several Townships of *Swinton, Rawmarsh, and Hooton Roberts* for the Time being, and they are hereby authorized and empowered to borrow and take up at Interest the several Sums of Money following (that is to say), the Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said Township of *Swinton*, the Principal Sum of One thousand Pounds; the Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said Township of *Rawmarsh*, the Principal Sum of One thousand Pounds; and the Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said Township of *Hooton Roberts*, the Principal Sum of Two hundred Pounds; and that such Surveyors, Churchwardens and Overseers of the Poor respectively shall from Time to Time, and they are hereby empowered and required to pay or cause to be paid unto the Trustees appointed to carry this Act into Execution, or to their Treasurer, the said several and respective Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, so to be borrowed as aforesaid, when and as they the said Trustees shall from Time to Time by Writing under their Hands or the Hands of any Five of them order and require for the Purposes of this Act, as and for the Loan or Subscription advanced and lent by the said several and respective Townships of *Swinton, Rawmarsh, and Hooton Roberts*, in the Proportions aforesaid, on the Credit of the Tolls to arise upon the said Turnpike Roads, by virtue and in pursuance of this Act; and the said Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said several Townships respectively, shall account for the said Monies so to be borrowed and received by them respectively as

The Surveyors of the Highways, &c. of Swinton, Rawmarsh, and Hooton Roberts empowered to borrow Money for the Purposes of this Act;

and to pay the same to the Trustees on the Credit of the Tolls.

[Local.]

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aforesaid,



aforesaid, in the same Manner as they are accountable for any other Money that shall come to their Hands in their said respective Capacities, and shall be under and subject to the like Penalties for Neglect thereof.

For securing the Repayment of the Principal Sums to be so borrowed with Interest, by Annual Instalments, for the Term of Twenty Years from the passing of this Act;

XXXVII. And for the Purpose of securing the Repayment of the said respective Principal Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, or of any Part or Parts thereof respectively, together with legal Interest for the same to the Person or Persons who shall respectively advance and lend such Principal Monies; be it further enacted, That the said Principal Monies so to be borrowed as aforesaid with legal Interest thereon shall be raised and paid by an Addition to the Highway Rates of the said Townships of *Swinton*, *Rawmarsh*, and *Hooton Roberts* respectively, to the Person and Persons so lending and advancing the same or any Part or Parts thereof, or to his, her, or their Executors, Administrators, or Assigns by equal Annual Instalments, to commence from the Time of advancing such Loan, and continue to be paid to the End or Expiration of Twenty Years from the Time of passing this Act, at the several Rates *per Centum per Annum* herein-after expressed; that is to say, where the said Annual Instalment shall continue payable for Twenty Years, the Sum of Eight Pounds and Sixpence *per Centum per Annum*; where the said Annual Instalment shall continue payable for Nineteen Years, the Sum of Eight Pounds Five Shillings and Sixpence *per Centum per Annum*; where the said Annual Instalment shall continue payable for Eighteen Years, the Sum of Eight Pounds Eleven Shillings *per Centum per Annum*; where such Annual Instalment shall continue payable for Seventeen Years, the Sum of Eight Pounds Seventeen Shillings and Sixpence *per Centum per Annum*; where such Annual Instalment shall continue payable for Sixteen Years, the Sum of Nine Pounds Four Shillings and Sixpence *per Centum per Annum*; and where such Annual Instalment shall continue payable for Fifteen Years, the Sum of Nine Pounds Twelve Shillings and Eight-pence *per Centum per Annum*: Provided always, nevertheless, that such Surveyors, Churchwardens and Overseers of the Poor of the said Townships respectively, shall in no Case be authorized or empowered to borrow Money in Manner aforesaid, at a greater Rate *per Centum per Annum* than the said last mentioned Sum of Nine Pounds Twelve Shillings and Eight-pence; and the said Annual Payments or Instalments shall in no Case and on no Account continue payable for a longer Period than the Term of Twenty Years from the passing of this Act.

The Surveyors of the Highways authorized to pay the same;

and for that Purpose to enlarge the Highway Rates in *Swinton*, *Rawmarsh*, and *Hooton Roberts*, respectively;

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the Highways of the said Townships of *Swinton*, *Rawmarsh* and *Hooton Roberts* respectively, and their respective Successors, Surveyors as aforesaid, for the Time being, to pay such Instalments as aforesaid; and for that Purpose they are hereby empowered, authorized and required, to increase or cause to be increased, the Highway Rates of the said several Townships of *Swinton*, *Rawmarsh* and *Hooton Roberts* accordingly, and to raise, levy and collect thereby the several Sums, necessary and requisite for the Purpose of repaying and discharging the said several and respective Principal Sums with Interest thereon, by equal Annual Instalments in the Manner aforesaid, over and above the Sum or Sums of Money, or the Rates or Assessments which they respectively are or may be by Law, authorized to raise for defraying the Expences of maintaining and repairing the Public Highways, within the



said several Townships of *Swinton, Rawmarsh* and *Hooton Roberts* respectively, and other Purposes, to which the Highway Rates or Assessments may be legally applied within the said respective Townships; and in case any Person or Persons who shall be charged to the Highway Rate or Assessment, to be made for the said several Townships respectively, shall neglect or refuse to pay his, her or their Share or Proportion of any of the additional or enlarged Highway Rates, by this Act authorized to be made for the Purposes aforesaid, then and in every such Case the Sum or Sums of Money, with which any Person or Persons making such Default, Neglect or Refusal, shall be charged in such additional or enlarged Rate or Assessment shall be levied and raised, together with all reasonable Costs and Charges attending the Recovery thereof, in such and the like Manner in all Respects, as the Highway Rates or Assessments within the said several and respective Townships of *Swinton, Rawmarsh* and *Hooton Roberts*, are by Law authorized to be levied, raised and recovered from Persons neglecting or refusing to pay the same; and the said Surveyor or Surveyors of the said several Townships respectively, are hereby authorized and required, from Time to Time during the Term of Twenty Years, from and after the passing of this Act, to satisfy and pay the several Instalments or Annual Payments, so to be by them respectively levied, raised and collected as aforesaid, unto and for the Use of the Person and Persons who for the Time being shall be legally entitled thereto, and the Payment of such Instalments or Annual Payments shall be allowed in the Annual Accounts of such Surveyor or Surveyors respectively; and that in case the said Annual Payments or Instalments, or any of them, or any Part or Parts thereof respectively, shall be behind or unpaid by the Space of Thirty Days next, over or after any of the Days or Times whereon the same shall become due and payable, it shall and may be lawful to and for the Person or Persons who shall advance and lend the said Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds respectively, or any Part or Parts thereof, and whose Annual Payment or Instalment shall be so in Arrear, and his, her and their respective Executors, Administrators or Assigns, to levy and raise the same, and all Costs, Charges and Expences attending the Recovery thereof, by Distress and Sale (to be levied by Warrant under the Hand and Seal of any one Justice of the Peace for the County, Riding or Place, where the said Roads are situated, which Warrant such Justice is hereby empowered and required to grant) of the Goods and Chattels of the Surveyor or Surveyors of the Highways for the Time being, of the said Townships of *Swinton, Rawmarsh*, and *Hooton Roberts* respectively, who shall so make Default in Payment of the said Instalment or Annual Payment as aforesaid; and for Want of such Distress, then by Distress and Sale to be levied as aforesaid, of the Goods and Chattels of any other Inhabitant or Inhabitants of the respective Township or Townships which shall be so in arrear, and who shall be taxed or charged in the Highway Rate or Assessment for such Township, at the Time of making such Distress and Sale; and that when and as often as it shall happen, that the said several and respective Annual Payments or Instalments, or any Part or Parts thereof, or any Arrears of the same, shall be raised and recovered by Distress and Sale, to be levied as aforesaid, of the Goods and Chattels of any Person or Persons, other than the Surveyor or Surveyors of the Highways for the Time being, then and in every such Case it shall and may be lawful to and for the then present or the next succeeding Surveyor or Surveyors of the Highways for such Townships

and in case of Nonpayment of the enlarged Rates, to levy the same by Distress.

Power for the Lender of the Money to levy Arrears of his Annuity by Distress upon the Goods and Chattels of the Surveyors;

and for want of such Distress, upon the Effects of any other Inhabitant: and if levied upon any other Person than the Surveyor, such Person to be reimbursed the Loss sustained thereby.



ships respectively, and he and they is and are hereby authorized and required to reimburse, satisfy and pay, to the Person or Persons, whose Effects shall have been so taken in Distress and sold as aforesaid, the full Amount of the Loss, Costs, Damages and Expences which he, she or they shall or may have sustained, or been put unto by reason or on account of such Distress; which Sum and Sums of Money so to be reimbursed, satisfied and paid as aforesaid, shall be raised, levied and recovered, by such then present or the next succeeding Surveyor or Surveyors in manner herein-before directed; and that all and every Sum or Sums of Money to be paid by the Surveyor or Surveyors of the Highways for the said several and respective Townships of *Swinton, Rawmarsh* and *Hooton Roberts*, or by either or any of them, for the Time being, in pursuance of this Act, or to be levied upon them, or either or any of them, or upon any other Person or Persons by the Authority of the same, for the Purposes and in Manner aforesaid, shall be allowed in his or their respective yearly Accounts.

The Surveyors of the said Highways to become Creditors on Security of the Tolls, for the Sums of Money so borrowed, in Trust for the Owners and Occupiers of rateable Property within the said Townships of *Swinton, Rawmarsh, and Hooton Roberts*, respectively;

and to apply the Interest thereof in repairing the Highways during the Term of the Act.

Provido that the Surveyors &c. of each Township shall stand

XXXIX. And be it further enacted; That when and as soon as the said Subscriptions or Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, or any Part or Parts thereof, shall have been procured and raised by the Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said several Townships of *Swinton, Rawmarsh* and *Hooton Roberts* respectively, and shall have been by them paid to the said Trustees of the said intended Turnpike Roads, or to their Treasurer, then the said respective Subscriptions or Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, and every or any Part or Parts thereof, and all Interest, Dividends or Proceeds thereof respectively, shall become vested and settled, and shall be considered, deemed and taken to be, and the same is and are by this Act declared to be vested and settled accordingly, in the Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said several Townships of *Swinton, Rawmarsh* and *Hooton Roberts* respectively, in the Proportions aforesaid, and their Successors, Surveyors, Churchwardens and Overseers of the Poor as aforesaid, for the Time being, as Creditor or Creditors, Mortgagee or Mortgagees, of such Proportion of the Tolls to arise by virtue of this Act, as the said several Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, so to be respectively raised and subscribed as aforesaid, shall bear to the whole Sum to be advanced on the Credit of the said Tolls; but in Trust nevertheless, and to and for the only proper Use and Benefit of the several Inhabitants, Owners and Occupiers of Lands and Hereditaments, within the said several Townships of *Swinton, Rawmarsh* and *Hooton Roberts* respectively, who shall from Time to Time be taxed, charged and contribute to the Highway Rates or Assessments to be made upon the said respective Townships; and to pay, apply, and dispose of the yearly or other Interest, Dividends or Produce to be received for and in respect of the said principal Sums respectively, for and towards the Maintenance and Repairs of the public Highways within the said Townships respectively, according to their respective Shares or Interests therein, from Time to Time during the Continuance of this Act.

XL. Provided always nevertheless, and be it further enacted, That the said Surveyors of the Highways, Churchwardens and Overseers of the Poor of the said several Townships of *Swinton, Rawmarsh* and *Hooton Roberts* respectively, shall from Time to Time and at all Times hereafter stand possessed



possessed of and interested in the said principal Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds respectively, so secured on the Credit of the said Tolls, in the Proportions aforesaid, and also of and in any Part or Parts thereof respectively which shall or may at any Time or Times be paid off by the said Trustees of the said Turnpike Roads, upon Trust, to pay, apply, and dispose of the same in aid of the Poor and Highway Rates, or either of them, of the said Townships respectively, in such Manner and Form as the Inhabitants, Owners, and Occupiers of Lands and Hereditaments within the said respective Townships of *Swinton*, *Rawmarsh*, and *Hooton Roberts*, who shall be charged and contribute to the Highway and Poor Rates or Assessments in each of the said Townships, or a Majority of them contributing in Value to the said Rates, shall from Time to Time, at a Public Meeting to be especially called for that Purpose; order, direct, or appoint; and that the said Surveyors, Churchwardens, and Overseers of the Poor respectively shall and they are hereby required to pay, apply, and account for the same accordingly, and in the same Manner as they are by Law accountable for any other Monies that shall come to their Hands as such Surveyors, Churchwardens, and Overseers of the Poor as aforesaid, and shall be under and subject to the like Penalties for neglect thereof; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

possessed of the principal Sums, in aid of the Highway or Poor Rates, or either of them.

XLI. And be it further enacted, That in case the said several Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, which the Surveyors of the Highways, Churchwardens, and Overseers of the Poor of the said respective Townships of *Swinton*, *Rawmarsh*, and *Hooton Roberts*, are by this Act authorized and empowered to borrow, take up at Interest, and subscribe, for the Purposes and in the Manner herein-before mentioned and expressed, shall not, together with the several Sums to be advanced by other Subscribers, be sufficient to defray the Costs, Charges, and Expences of obtaining this Act, and of making and completing the said intended Turnpike Roads, then and in such Case it shall and may be lawful to and for the Surveyors of the Highways, Churchwardens, and Overseers of the Poor of the said several and respective Townships of *Swinton*, *Rawmarsh*, and *Hooton Roberts*, for the Time being, and they are hereby authorized and empowered, to borrow, take up at Interest, and subscribe any further Sum or Sums of Money that may be required for the Purposes aforesaid, not exceeding One Third Part of the said respective Sums hereinbefore mentioned and authorized to be by them borrowed as aforesaid; which said further Sum or Sums of Money so to be borrowed and taken up at Interest shall be, by and with the Consent and Approbation of such of the Inhabitants, Owners, and Occupiers of Lands and Hereditaments within the said several and respective Townships of *Swinton*, *Rawmarsh*, and *Hooton Roberts*, who shall be charged and contribute to the Poor and Highway Rates or Assessments in each of the said Townships, as shall attend at a Meeting to be especially called for that Purpose, pursuant to Notice thereof, advertised Three Times in *The Doncaster Gazette*, and also affixed on the most public Door of the Chapel of *Swinton*, and of the Parish Churches of *Rawmarsh* and *Hooton Roberts*, on Three Sundays previous to such Meeting, and who shall be charged with and contribute in Value Three Fourth Parts of the full Amount or Sum at which all the said Inhabitants, Owners, and Occupiers attending such Meeting shall be charged with and contribute to the Poor and Highway Rates or Assessments in each

Authorizing the raising of further Sums, in case the Monies borrowed shall be insufficient for the Purposes of the Act.

[Local.]

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such



such respective Townships; and that all and every such further Sum or Sums of Money to be borrowed as last before mentioned shall be paid and applied to, for, and upon such and the like Intents and Purposes, and shall be chargeable and charged upon such and the like Rates or Assessments, and be under and subject to such and the like Terms and Conditions in every respect, and shall likewise be under and subject to such and the like Powers, Provisoos, Remedies and Enactments, for securing the Repayment thereof with Interest to the Person or Persons who shall advance and lend the same, as are herein-before particularly mentioned, expressed, and declared, of and concerning the said several and respective Sums of One thousand Pounds, One thousand Pounds, and Two hundred Pounds, and the Interest to grow due thereon.

Compelling  
Payment of  
Subscrip-  
tions.

XLII. And be it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expences of obtaining and passing this Act, or carrying the same into Execution, or any other Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purpose aforesaid, shall, after Twenty-one Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given or left at the Dwelling-house or usual Place or Places of Abode of such Person or Persons, neglect or refuse to make Payment of the respective Sums by him, her, or them subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall and may be lawful for the said Trustees or any Five or more of them to bring or cause to be brought any Action or Actions of Debt or on the Case, Bill, Plaint or Suit, against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and such Notice having been given as aforesaid, a Verdict shall be given for the Plaintiff or Plaintiffs in all such Action and Actions, and Execution shall issue thereupon as the Case may require.

Power to  
borrow  
Money.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, on the Credit of the Tolls by this Act granted, such Sum and Sums of Money as they or any Five or more of them shall think fit, and by Writing or Instrument under their Hands and Seals to demise or mortgage the said Tolls or any Part or Parts thereof, and of the Toll Gates, Turnpikes, and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money; and that such Mortgage or Mortgages may be in the Form following, or in any other Words to the like Effect; (that is to say),

Form of  
Mortgage.

‘ BY virtue of an Act passed in the Fifty-eighth Year of the Reign of  
‘ His Majesty King *George* the Third, intituled *An Act* [*here insert*  
‘ *the Title of this Act*] We \_\_\_\_\_ of the  
‘ Trustees for putting the said Act into Execution, in consideration of the  
‘ Sum



' Sum of \_\_\_\_\_ to the Treasurer of the said Road in  
 ' Hand paid, do hereby grant, bargain, sell, and demise unto  
 ' \_\_\_\_\_ Executors, Administrators, and Assigns, such Pro-  
 ' portion of the Tolls arising upon the said Roads, and of the Toll Gates,  
 ' Turnpikes, and Toll Houses for collecting the same, as the said Sum of  
 ' \_\_\_\_\_ doth or shall bear to the whole Sum advanced or  
 ' to be advanced on the Credit thereof, to be had and holden from the  
 ' \_\_\_\_\_ Day of \_\_\_\_\_ for and during the Continuance  
 ' of the said Act, unless the said Sum of \_\_\_\_\_ with Interest  
 ' at the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be sooner  
 ' paid off and satisfied. In Witness whereof we have hereunto set our  
 ' Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the  
 ' Year of our Lord One thousand eight hundred \_\_\_\_\_ :

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward: Provided always, that no Money shall be borrowed on the Credit of the said Tolls beyond the Sum which shall be fixed upon by the Trustees at the First Meeting to be held in pursuance of this Act, unless Notice be affixed for that Purpose in Writing upon all the Turnpikes or Toll Gates then erected upon the said Roads, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then existing Creditors shall consent thereto; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the principal Money and Interest thereby secured or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by endorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

' I the within-named \_\_\_\_\_ [or Form of  
 ' I, \_\_\_\_\_ Assignee, Executor, and Administrator Transfer.  
 ' of the within-named \_\_\_\_\_ [as the Case  
 ' may happen to be], do transfer the within Mortgage Security, with all  
 ' my Right and Title to the principal Money thereby secured, and to all  
 ' Interest now due and hereafter to become due thereon, unto  
 ' his [or her] Executors, Administrators, and Assigns. Dated this  
 ' \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and  
 ' \_\_\_\_\_ Witness to the signing thereof, \_\_\_\_\_ :

Which Transfer shall be produced and notified to the said Clerk within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred, for which Entry or Memorial the said Clerk shall be paid the Sum of Two Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last trans-

Mortgages to be entered in a Book or Books, and may be assigned.

Transfers to be entered by the Clerk.



No Priority  
of Mort-  
gages.

transferred) to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein respectively mentioned, Creditors on the Tolls and Toll Houses in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of such Mortgages, Assignments, or Transfers.

Surveyors  
may take  
Gravel, Sand,  
&c. filling up  
Pits, &c.

XLIV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and such other Person or Persons as shall be employed by him or them for that Purpose, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials proper for the repairing of the said Roads, from any Commons or Waste Grounds, common Rivers or Brooks in any Parish, Township, or Place wherein any Part of the said Roads lie, or in any adjoining Parish, Township, or Place, without paying any Thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same shall not be dangerous to Passengers or Cattle; and also by Order of the said Trustees or any Five or more of them, but under such Restrictions as herein mentioned, to search for, dig, get, take, and carry away such Materials in, upon, and out of, through, from, and over the Lands of any Person or Persons whomsoever (the same not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees).

Notice to be  
given to Oc-  
cupiers of  
inclosed  
Lands, before  
Materials are  
taken there-  
from.

XLV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing signed by such Surveyor shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Riding where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices by their Order to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended.

Satisfaction  
for Materials  
and Damages.

XLVI. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby



thereby to the Owners and Occupiers of such Lands or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County or Riding where or from whence such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payments and Damages.

XLVII. Provided always, and be it further enacted, That if any Person whosoever shall take any Materials which shall have been dug or gathered in any Ground, River, or Brook for the Purpose of making, repairing, or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner hereinafter mentioned.

Penalty on taking away Materials got by Surveyors.

XLVIII. And be it further enacted, That if any Person or Persons shall leave any Waggon, Cart or other Carriage in, upon, or on the Side of the said Roads, without any Horse or other Beast of Draught yoked or harnessed thereto to draw the same (except in Cases of Accident), or for any longer Time than shall be necessary for loading or unloading thereof, or in case the same shall not during such Time be drawn up as near to one Side of the Road as conveniently may be; or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Furnace or Forge Cinders, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, in or upon any Part of the said Roads, or on the Causeways or Footpaths to be made by the Sides thereof; or if any Person or Persons shall cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber or Stone, otherwise than upon a Wheel Carriage or Wheel Carriages; or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, finge, scald, or dress any Beast or Cattle in or upon any Part of the said Roads, or the Causeway or Footpath to be made by the Side thereof; or if any Person or Persons shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever on any Part of the said Roads, or shall play at Football or any other Game or Games upon the said Roads or any Part thereof, or on any Lands immediately adjoining thereto, or shall otherwise obstruct or impede the Passage thereupon respectively;

Nuifances in leaving Carriages on the Roads.

[Local.]

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ively;



ively; every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to  
remove An-  
noyances.

XLIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Roads by Timber, Stones, Carriages, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, or to turn any Watercourses, Sinks, Gutters, or Drains running along, into, or out of the said Roads to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses, Gutters, or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary; and at the proper Season of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or in the Hedges or Banks adjoining thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, and such Trees not being an Ornament or Shelter to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall, for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses, Gutters, or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, shall require; the Charges whereof, to be settled by the said Trustees or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down, lop, or top such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen any such Watercourses, Gutters, or Ditches, or to remove such Annoyances as aforesaid, and shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be levied, recovered, and applied; and if, after removing any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person shall for every such Second or other repeated Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates to  
Fields to  
open inward.

L. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Roads, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Roads; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward towards the said Roads, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Roads, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

No Wind-  
mills to be  
erected with-  
in 200 Yards  
of the Roads.

LI. And be it further enacted, That no Windmill shall be erected within the Space of Two hundred Yards of any Part of the said Roads.



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

Penalties on obstructing Toll Collectors.

LIII. And be it further enacted, That the said Trustees or any Five or more of them shall and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be placed and set up in or near the Sides thereof, with Inscriptions thereon denoting the Number of Miles and Distance of Places from any Town or Place, and also such and so many Guide or Direction Posts upon such Parts of the said Roads as are or may be crossed or joined by other Roads, as they the said Trustees or any Five or more of them shall think proper; and if any Person or Persons shall wilfully pull up or damage any such Direction Post or Mile Post or Stone, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered by such Ways and Means as are herein directed with respect to other Penalties, Fines, and Forfeitures hereby inflicted or imposed.

Milestones to be set up.

Penalty on defacing them.

LIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to make or cause to be made any Footpath or Causeway for the Use of Foot Passengers, in or along the Side of any Part or Parts of the said Roads in such Manner as they shall see convenient, and also to cut or cause to be cut any Ditches, Drains, or Watercourses in and upon the said Roads, and also in, through, or across any Lands or Grounds lying contiguous thereto, and from Time to Time to erect, rebuild, and keep in Repair such Bridges and Arches upon the said Roads, or across any such Ditches, Drains, or Watercourses, as they shall think necessary.

Trustees may make Footpaths, &c.

LV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, or other Way or Ways made or to be made upon or by the Side of the said Roads for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle, Beasts, or Swine, or any Carriage, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or shall wilfully pull up, remove, injure, or damage any Post, Rail, Stone, or Fence which shall be put up for the Protection or Security of such Footpath or Causeway, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; which said Penalties shall be levied and recovered in Manner herein-after mentioned, and shall be applied towards the repairing of the said Roads, and to and for no other Purpose whatsoever.

Penalties on Persons injuring Footpaths, &c.

LVI. And be it further enacted, That it shall be lawful for the major Part of the Trustees present at any Meeting at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to make, widen, divert, alter, turn, or repair any Part or Parts of the

Power to divert, turn, and alter the Roads.

the



the said Roads, within the Limits herein-after mentioned or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried, in, upon, through, or over any Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and also to erect, build, and keep in Repair any Bridges or Arches upon, over, or along the said Roads where necessary; and also that it shall be lawful for the said Trustees or such major Part as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the said Roads, or the Alterations hereby authorized to be made, is or are intended to pass, and to stake out and make the same in such Manner as the said Trustees or such major Part as aforesaid shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may sustain; such Damages to be ascertained and settled, in case of Dispute concerning the same, in such and the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is herein directed to be ascertained and settled; 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.

Roads to be made according to Plan deposited.

LVII. And whereas a Map or Plan, describing the Line of the said Roads, and the Lands through which the same are to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the West Riding of the County of York: Be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the end that all Persons may at seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan or Book of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

New Road not to deviate more than One hundred Yards from the Plan.

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

LVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, are, or may be Owner or Owners of Lands 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



happen to be erroneously described or altogether omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or Place wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the County or Place where such Lands, Hereditaments, or Premises shall be situate.

LIX. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Roads, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post, Rail or other Fence, to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining the said Road; and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining; and shall keep such Fences so to be made in good Order and Repair for and during the Term of Three Years from the Time that such Fences shall have been made or set up.

Trustees to fence any new Road.

LX. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees or any Five or more of them to contract and agree with the Owners of and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be received or raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors and Administrators, Guardians or other Trustees whatsoever, for or in behalf of any Infant, Females Covert, Cestuique Trusts, and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, 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 or any Five or more of them for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Trustees may purchase and incapacitated Persons sell Lands and other Hereditaments, wanted for the Purposes of this Act.

[Local.]

10 F

LXI. And



If Parties do not agree, the Value of the Premises to be settled by a Jury.

LXI. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Dwelling-houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any Part of the said Roads, and through which the same shall be intended to be made, diverted, turned, or altered as aforesaid, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, Riding, or Place in which such Lands, Grounds, or Hereditaments shall be (which Oaths the said Trustees or any Five or more of them are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons interested as aforesaid, for or on account of the taking of such Lands, Grounds, or Hereditaments into the said Roads, or of making, diverting, turning, or altering such Roads, or any Part thereof, into and through such Lands, Grounds, or Hereditaments; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Trustees or any Two or more of them are hereby empowered to administer); and they the said Trustees or any Five or more of them shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees shall think fit; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the Owners, Occupiers, or Proprietors of, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, in Fee or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim,



Claim, Interest, and Property of, in, to, or out of the same; and for the summoning and returning of such Jury the said Trustees or any Five or more of them are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees or any Five or more of them at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service to make up the Number of Twelve.

LXII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees, or Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on any Sheriff or his Deputy or Deputies, Bailiffs or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or shall refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as the Penalties, Forfeitures, and Fines are herein-after directed to be levied, applied, and disposed of, so that such Fine shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy or Deputies, and the Sum of Five Pounds upon any other of the Persons aforesaid for any one Offence.

The Juries may be challenged, and Sheriffs fined for Default.

LXIII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid shall be paid by the said Trustees 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 into the Bank of England in Manner herein-after directed (as the Case may be), and after Ten Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the said Roads 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

Money agreed upon or assessed for Lands, &c. how to be charged and tendered.

public



Former  
Roads to be  
fold.

public and common Highway, and shall from thenceforth for ever be deemed as Part of the Roads by this Act directed to be made, amended, and kept in Repair; and from thenceforth all Parties and Persons who-soever shall be divested of all Right and Title to such Lands and Hereditaments; and from and after such Parts of the said Roads hereby intended to be made a new Road shall be formed and completed, then the Land comprized in or constituting the old or former Road (unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead) shall be vested in, and shall and may be sold and conveyed by the said Trustees or any Five or more of them for the best Price that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act, and the Money arising from such Sale shall be applied for the Purposes of this Act; and all Deeds of Exchange or Conveyance executed by the said Trustees or any Five or more of them, and enrolled with the Clerk of the Peace for the County, Riding, or Place wherein such Lands or Grounds respectively shall lie, shall be good, valid, and effectual in the Law to all Intents and Purposes.

Trustees em-  
powered to  
sell Ground,  
&c. not  
wanted for  
the Purposes  
of this Act.

LXIV. And whereas by reason of the diverting, altering, or turning the Roads herein before mentioned and described, agreeably to the Power herein-before given for that Purpose, or by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act: Be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Ground or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons  
whose Lands  
adjoin, to  
have the  
Preference.

LXV. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on both Sides of such diverted Road, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase the same (as the Case may happen to be), an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, or Place in which such diverted Road or Piece or Pieces of Ground shall be (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or  
Persons



Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and in case he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed, with respect to disputed Value of Premises to be purchased by the said Trustees or any Five or more of them in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed, with respect to such Purchase made by the said Trustees or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

LXVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Grounds, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and returning the 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 this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in any Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be paid and borne by the Person or Persons with whom the said Trustees or any Five or more of them shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or Place wherein such Lands or Grounds and Hereditaments shall lie, not interested in the Matter in question (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees in and by such

How Expences of the Jury shall be paid.

[Local.]

10 G

Ways



Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that where by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees out of the Monies to arise by virtue of this Act.

Application of Compensation Money if amounting to 200l.

LXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as herein mentioned, 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 *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements 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 or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when less than 200l. and exceeding 100l.

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



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, and Hereditaments so purchased, taken, or used, or of her, his, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *England*, in the Name and with the Privity of the 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 by Three or more of the 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 arising thereon may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LXIX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not amount to the Sum of 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 Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application  
of Compensation  
Money  
when less  
than 20l.

LXX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid as aforesaid for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees or any Three or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, assessed, or ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Three or more of them to order the said Sum or Sums so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; 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 same Court shall seem just and reasonable; and

Directions in  
Cases of not  
making out  
Titles.



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

Respecting  
disputed  
Titles.

LXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Monies to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court  
may order  
reasonable  
Expences to  
be paid by  
Trustees.

LXXII. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them 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.

Upon Pay-  
ment of Pur-  
chase Money  
Conveyances  
to be made.

LXXIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Tenements, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees or any Five or more of them, or to such Person or Persons as they shall appoint, of the said Lands, Tenements, or Hereditaments, for which such Sum or Sums of Money was or were so awarded or adjudged  
to



to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances shall contain such usual and reasonable Covenants as shall on behalf of the Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, or make or procure to be made at the Expence of the said Trustees proper and effectual Conveyances thereof, or shall refuse so to do being thereunto required, such Sum or Sums of Money so agreed, awarded, or adjudged to be paid as aforesaid, shall be paid into the Bank of *England* in Manner herein-before mentioned; and when and so soon as the same shall be so paid into the Bank, all Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever in Law and Equity of all and every Person or Persons who shall be entitled to such Money of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever either in Law or Equity, as fully and effectually to all Intents and Purposes as if all and every Person and Persons having any Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seizin, Fine and Recovery, or any other Conveyance whatsoever.

LXXIV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons by Law liable to the amending, maintaining, or repairing any Part or Parts of the said Roads, or any Bridge or Bridges, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Persons liable to repair the Roads, or maintain Bridges, &c. to continue so.

LXXV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work on the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the County, Riding, or Place where the said Roads are situate, and they are hereby required and empowered, upon Application made to them by the said Trustees or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads or any Part thereof lie, 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 as aforesaid, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto 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

Statute Labour and Composition Money how to be performed and apportioned.

[Local.]

10 H

Summons,



Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions 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 the said Justices shall and may 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 Roads 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 Roads, as the said Trustees or any Five or more of them, 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 and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall 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 or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, 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 shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the 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 Forty Shillings.

Trustees to  
compound  
for Statute  
Work.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them  
done



done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments in all or any of the Parishes or Places in which the said Roads are situate, 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 Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in Advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and the Occupiers of such Parish or Place shall not be permitted to compound for that Year.

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

Trustees may contract for Repairs and other Work.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall, upon Proof of the Offence respectively before any One Justice of the Peace for the County, Riding, or Place where such Offence shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Forfeitures, Penalties, and Fines, and the Charges of the Distress and

Recovery and Application of Penalties.



and Sale, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when so paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid One Half Part thereof to the Informer, and the other Half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; but if the Surveyor shall be the Informer, then the whole of such Penalties, Forfeitures, and Fines shall be paid to the said Treasurer or Clerk, and be applied to the Purposes of this Act; and in case such sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, 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 or House of Correction for such County, Riding, or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless any such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing  
transient  
Offenders.

LXXIX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Riding, or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

LXXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every 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; (*videlicet*),

Form of  
Conviction.

County of } BE it remembered, That on the  
to wit. } Day of in the Year of our Lord  
is convicted before me  
one of His Majesty's Justices of the Peace for the County of  
by virtue of an Act of the Year of the Reign of  
King George the Third, intituled [*here set forth the Title of this Act, and specify the Offence, and when and where the same was committed.*] Given  
under my Hand and Seal, the Day and Year first above written.

Proceedings  
to be entered  
in a Book.

LXXXI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings when entered shall be signed by the Trustees making the same, or any Five or more of them, and shall be deemed and taken to be original Orders and Proceedings; which said  
Book



Book or Books, and also the Book or Books herein directed to be kept for registering and entering Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever, touching any thing done in pursuance and by the Authority of this Act.

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

Proceedings  
not to be  
quashed for  
want of Form.

LXXXIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act, either by the said Trustees or by any One or more of His Majesty's Justices of the Peace, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County, Riding, or Place wherein the Cause of Appeal shall arise, within Four Calendar Months next after such Complaint shall have arisen, first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, Riding, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order to be made thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the County, Riding, or Place in which Cause of Appeal shall arise; and the Justices at such First or Second Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be binding and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Dis-

Persons  
aggrieved  
may appeal  
to the Quar-  
ter Sessions.

[Local.]

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treffs



trefs and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of and for the County, Riding, or Place in which such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Limitation  
of Actions.

LXXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County, Riding, or Place wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or the General Issue Not Guilty, 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 have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Riding, or Place than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXXV. 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.

LXXXVI. And be it further enacted, That this Act shall commence on the Day of 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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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1818.