





John Allen, John Armytage, Joseph Green Armytage, Benjamin Green Armytage, James Green Armytage, William Green Armytage, Joseph Armitage, George Armitage, Joseph Armitage the younger, Edmund Armitstead Clerk, Thomas Armitstead, Alexander Alexander, David Alexander, Henry Alexander, John Beaumont, Timothy Bentley, Benjamin North Rockley Batty, Walter Beaumont, John Beaumont of Netherton, Richard Battye, William Walker Battye, John Battye, James Brook, Joseph Brook, Jonas Brook, William Brook, John Brook of Lockwood, James Bower, Edward Bower, John Bottomley, Joseph Bradley, James Crossland, Joshua Crossland, Richard Clay, Bradley Clay, Francis Downing, Timothy Dyson, Nathaniel Dyson, John Dyson, Nathaniel Dyson of Crossland Hill, James Dawson, William Eastwood, James Eastwood, John Eastwood of Huddersfield, Robert Firth, Thomas Firth, John Firth the younger, Lewis Fenton, John Fisher, Christopher Green, Anthony Green, James Green, John Garlick, James Garlick, John Graham, Charles Graham, Joseph Haigh, Thomas Holroyd, John Horsfall, John Horsfall the younger, Abraham Horsfall Clerk, John Hauxby, Edward Hauxby, John Haigh, John Hinchliffe, Jonas Hobson, Benjamin Ingham, John Jessop, George Jessop, John Ikin, Sir John Lister Kaye Baronet, John Kaye, Thomas Leigh the younger, Edward Ledgard, Henry Nelson, William North, George Needham, John Oldfield, Joseph Pickford, William Priestley, Edward Priestley, Sir Joseph Radcliffe Baronet, Sir John Ramsden Baronet, John Ramsden, John Rawcliffe, George Robinson, Joshua Robinson, Jonathan Roberts, Edward Roberts, Jonathan Roberts the younger, Walter Williams Stables, Robert Smith Clerk, William Stocks, Samuel Stocks, John Sutcliffe the younger, Uriah Tinker, George Taylor of Thickhollins, George Taylor of Meltham, John Walker, Joseph Walker, Samuel Walker, John Whitacre, John Wrigley, Joseph Wrigley, Robert Wrigley, Matthew Woodhead, John Woodhead, William Armitage of Almondbury, Joseph Atkinson, Thomas Atkinson, Robert Bentley, James Bennett, Green Bentley, William Greenwood, John Haigh, Rowland Houghton, John Harrop, Thomas Hamer, William Irwin, William Leigh, John Littlewood, James Lees, John Priest, John Sykes, William Shaw, Cookson Stephenson, William Stephenson, Joseph Smith, Henry Stables, John Townsend, Robert Walker Waddington, Eliehu Dickinson, Richard Dickinson, Joseph Armitage, Enoch Armitage, David Armitage, John Harrison, David Harrison, William Buttley, John Peace, John Firth the younger, John Firth of Old Chapel, Thomas Lockwood, Abram Lockwood, John Dickinson of Holmfirth, Joseph Eastwood, Joseph Thomas Tuit, Thomas Shaw, John Bell, Thomas Marshall, Jeremiah Marshall, Jonathan Roberts of Farnley, Joseph Scott, Thomas Hardy, Thomas Shearson of Almondbury, Joseph Haigh of Almondbury, James Mellor of Elm, John Tinker of Carr, John Dobson, William B. Dobson, Francis Vickerman, Frederick Simpson, George Lockwood, John Booth of Huddersfield, Samuel Wood, and Joseph Clegg, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making and maintaining the said Road and Branch, and for carrying this Act into Execution.

Power to  
appoint additional Truf-  
tees.

II. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being  
duly



duly qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

III. And be it further enacted, That when and as often as any Trustee shall die, refuse to act, or be disqualified, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the room of such Trustee so deceased, disqualified, or refusing to act; but Notice of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Road and Branch; and also by inserting the same in some public Newspaper printed or circulated in the Neighbourhood of the said Road and Branch, at least Ten Days before any such Meeting; and all Persons who shall be so elected, and being duly qualified, 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 chosen.

On the Death of Trustees others to be chosen.

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 Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of One thousand five hundred Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed before any One or more of the said Trustees an Oath or Affirmation in the Words or to the Effect following, except in taking or administering such Oath or Affirmation; and which Oath or Affirmation it shall be lawful for any One or more of such Trustees to administer; (that is to say),

Qualification of Trustees.

I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife*] in the actual Possession [*or, Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or, am Heir apparent of a Person seized of such an Estate of the clear yearly Value of Two hundred Pounds, or, possessed of or entitled to a Personal Estate of One thousand five hundred Pounds*], and that I will truly, faithfully, and impartially execute the Trust reposed in me as a Trustee, by virtue of an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD, [*or, being a Quaker, omit the Words 'So help me GOD.'*]

Trustees Oath.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested, other than as a Creditor, nor while he holds any Place of Profit under this



Penalty on Trustees acting not being qualified.

this Act; or who shall sell any Wine, Cider, Ale, Beer or Spirituous Liquors by Retail; or who shall be interested or concerned in any Contract; or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof, or concerned or interested in any Contract or Contracts under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the said West Riding of the County of *York*, shall not by reason of being such Trustees, be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Trustees being Justices may act as such.

Meetings.

V. And be it further enacted, That the said Trustees or any Five or more of them shall meet together at the House of *George Hare* in *Huddersfield*, on *Thursday* the Twenty-eighth Day of *May* next, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall or may then adjourn, and from Time to Time meet afterwards at and adjourn to such Place near the said Road and Branch, as they the said Trustees or any Two or more of them shall think proper; and if at any such Meeting there shall not appear a sufficient Number of Trustees to act or adjourn to another Day, (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only); or in case the Trustees at any Time assembled shall omit or neglect to adjourn, then the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed on the Toll Bars to be erected on the said Road and Branch, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was appointed to have been held, on such Days as shall be specified in such Notice, not exceeding Five Weeks, nor less than Three Weeks next after the Day on which such last Meeting was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall be by any Means prevented from giving Notice as aforesaid, it shall be lawful for any Two or more of the said Trustees, although not assembled at a Meeting, at any Time



Time or Times after the Space of Six Days after such Refusal, Neglect, or Prevention of any such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House at *Huddersfield* aforesaid, or within Three Miles of the Line of the said Road or Branch, upon that Day Sevensight next after the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon; and no Adjournment shall be made to or any Meeting appointed to be held at any Time later than Three of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences.

Trustees to pay their own Expences.

VI. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein-after excepted) and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees so present at every such Meeting not being less than Five; and all the Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as may be herein-after excepted) and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

Proceedings of Trustees.

VII. And be it further enacted, That no Act, Order, Resolution, Determination or Proceeding of the Trustees, made and signed according to the Directions of this Act, shall afterwards be altered, revoked, repealed, or set aside by any subsequent Act, Order, Resolution, Determination or Proceeding of the Trustees, unless at some special Meeting of the Trustees to be held for that Purpose, of which Twenty-one Days Notice shall have been given by the Clerk to the said Trustees, in some Newspaper usually circulated in the Neighbourhood of *Huddersfield*, and also by Notice in Writing affixed upon all the Toll Gates then erected on the said Road, at least Ten Days previous to such Meeting, every such Notice specifying the Purpose of such Meeting; nor shall any such Alteration, Revocation or Repeal be made, unless a Majority of the Trustees present at the Meeting (such Meeting to consist of Nine at the least) shall concur therein.

No Order to be revoked unless at a Meeting for the Purpose: nor unless a Majority of the Trustees present concur.

VIII. And be it further enacted, That if after Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting shall be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Two or more of the acting Trustees, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner herein-before directed, and of the Time and

Meetings on Emergencies.

[Local.]

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Place

Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Eight Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Books to be Evidence.

IX. And be it further enacted, That the said Trustees shall, and they are hereby empowered and required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Trustees making the same; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices and others.

Minute Books to be kept of Proceedings of Trustees, and of Accounts of Receipts and Disbursements.

X. 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, also to order and 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 Branch, and of the several Articles, Matters, and Things, for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Books, or any Part or Parts thereof respectively, 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 the same, or to 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, apportioned and applied in Manner herein-after mentioned.

Trustees to appoint Officers.

XI. And be it further enacted, That the said Trustees may and they they are hereby empowered at their First or any subsequent Meeting, by Writing under their Hands, to elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors and such other Officers, Assistants and Servants as the said Trustees shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors and other Officers, Assistants and Servants, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or as shall die, resign, or become incapable of performing their Duty; but no Person shall be capable of holding any Place of Profit under this Act who shall sell any Wine, Cyder, Ale, Beer or Spirituous Liquors by retail; and the said Trustees shall and may out of the Money to be raised and received by virtue of this Act give such Salaries or make such Allowances to



the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers and Persons so appointed, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and other Persons so to be appointed shall from Time to Time and as often as they shall be called upon for that Purpose produce and give up to such Trustees or to such other Person or Persons as they shall appoint, full, true, and perfect Accounts in Writing under their respective Hands, of all Matters and Things committed to their Charge by virtue of this Act, and also of all such Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purpose such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons, and to such Uses and Purposes as they shall direct or appoint; and every such Treasurer shall on the First Day of *May* yearly, or at the First Meeting of the said Trustees then next following, lay his Accounts before the said Trustees in order that the same may be audited, passed, and allowed by them (if approved of); and if such Officer or Person being required so to do shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees, or to such Person or Persons as they shall appoint, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Ten Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same; then and in every such Case, upon Complaint made by the said Trustees or any Three or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may, and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of a Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice may and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if it shall in Manner aforesaid appear to such Justice that such Officer or  
 Person

Officers to  
account.

Proceedings  
against Officers  
refusing  
to account or  
deliver Books,  
&c.



Person shall have refused or wilfully neglected to render or give any such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid; then and in any of the Cases aforesaid, such Justice shall commit such Offender to the Common Gaol or House of Correction for the City, County, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees for such Money and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees or any Three or more of them are hereby empowered to make and receive) and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Time than Three Calendar Months.

Treasurer,  
&c. to give  
Security.

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

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

XIII. Provided also, 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 Effoign, Protection, or Wager of Law, nor more than One Imparlançe shall be allowed.

Trustees may  
appoint tem-  
porary Col-  
lectors.

XIV. Provided also, and be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or incapable of performing his Duty, or absconding, or absenting himself, and to nominate and appoint a 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



or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up on the said Road or Branch, or either of them, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at any Meeting) or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the Riding or Place in which such Toll House or Building shall be situate, by Warrant under his and their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same Riding or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his or their Goods out of the same, and to put the said Trustees or any one or more of them, or such new appointed Collector or Receiver into Possession thereof.

Collectors refusing to deliver up Toll Houses, to be removed by Justices.

XV. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever to be had, taken, prosecuted, or defended by or against the said Trustees, shall be had, taken, prosecuted, or defended in the Name or Names of their Clerk for the Time being; and that no Action, Suit, Prosecution, Information, Appeal, or other Proceedings to be had, taken, prosecuted, or defended by or against the said Trustees or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Clerk, but that the Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action, Suit Prosecution, Information, Appeal, or other Proceedings (as the Case may be): Provided always, that every such Clerk in whose Name any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant, or Respondent.

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

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect, set up, or build, or cause to be erected, set up, and built upon, in, or across the said Road and Branch, or any Road or Lane that doth or shall lead into or out of the said Road or Branch, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or

Power to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

[Local.]

10 X

Toll



Proviso not to erect a Toll Gate nearer Lockwood than a Dwelling House occupied by Clement Dyson.

Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road and Branch suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary; and from Time to Time to take down and remove the same as they the said Trustees or any Five or more of them shall think proper and direct or appoint: Provided always, that it shall not be lawful for the Trustees appointed or to be appointed under and by virtue of this Act, to erect or place any Gate or Turnpike in, upon, or across any Part of the Road intended to be made under and by virtue of this Act, or on the Sides thereof, nearer to the Town or Village of *Lockwood* aforesaid, than the Dwelling House late in the Occupation of *Clement Dyson* at the North-east End of a Wood called *Dungeon Wood*, nor to erect or place any more than one other Gate or Turnpike within the said Township of *Croftland*.

Toll Gates, Houses, &c. vested in Trustees.

XVII. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto belonging, which shall be provided, erected, or made by virtue of this Act, and all Materials for building or repairing the same, and for making, enlarging, improving, or rebuilding and repairing the said Road and Branch, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and they or any Five or more of them are hereby empowered to sell and dispose of the same respectively, as they shall think proper, and to bring or cause to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted, any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of any such House or Appurtenances, or who shall break down or damage, steal or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll Houses, and other Houses and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of the Trustees acting in Execution of an Act passed in the Fifty-eighth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from Lockwood to Meltham, and a Branch of Road to Meltham Mills, all in the Parish of Almondbury, in the West Riding of the County of York*, without naming or otherwise describing the said Trustees.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may 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 the following Tolls and Duties, at such Toll Gate or Toll Gates, Turnpikes, Toll Houses, Side Bars, Side Gates, or Chains to be erected or placed by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road and Branch, or any Part thereof, as the said Trustees, or any Five or more of them, shall from Time to Time see fit, and that before any Horse, Beast,



Beast, or other Cattle, Coach, Waggon, or any other Carriage shall be permitted to pass through the same respectively; (that is to say),

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Phæton, Landau, Chariot, Vis-a-Vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage, the Sum of Eight-pence: Tolls.

For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and under Nine Inches, the Sum of Six-pence:

For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Eight-pence:

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

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

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

And upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which shall be freed by such Payment.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take Toll more than once in any one Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), from any Person or Persons whosoever, for or in respect of the same Horses, Cattle, or Carriages, in respect of which he shall have paid such Toll at any Turnpike or Gate upon the said Road or Branch, or for or in respect of the same Horses or other Cattle which shall have drawn any Coach, Waggon, or other Carriage for which the Toll has been paid at such Gate that Day, if returning with another Carriage of the same Description as that for which the Toll has been paid; but such Horses, Cattle, and Carriages shall return Toll-free on producing a Note or Ticket to the Collector of the Tolls at such Turnpike, denoting Payment of such Toll; which Note or Ticket the Collector of the said Tolls is hereby required to deliver *gratis* on Receipt of such Toll, if demanded.

Tolls to be paid only once for passing and repassing on the same Day.

XX. Provided also, and be it further enacted, That no more than One full Toll in the whole, shall be demanded or taken for passing Once in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), through all the Toll Gates to be

How many Tolls to be paid on the whole Line of Road in one Day.



be erected on the said Road or Branch; but that every Person having paid Toll, in respect of any Horses, Beasts, or Carriages, at any Gate to be erected by virtue of this Act, shall be entitled to pass Toll-free the same Day (to be computed as aforesaid), with such Horses, Beasts, and Carriages (as the Case may be), through all other Turnpikes or Toll Gates to be erected by virtue of this Act, on producing the Note or Ticket denoting the Gate at which such Tolls shall have been paid; but that it shall be lawful for the said Trustees to order and direct that One Half of the said Tolls shall be taken at any one Gate upon the said Road, and the other Half at any other Gate.

No Toll for  
crossing  
Road only.

XXI. And be it further enacted, That no Toll shall be demanded and taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the said Road and Branch, for any Horse, Cattle, or Carriage which shall only cross the said Road and Branch, or shall not pass One hundred Yards thereupon, unless such Crossing shall be with Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll shall be thereby evaded; and that no Person shall be liable to the Payment of any Toll or increased Charge by reason of his passing through any Side Gate or Side Bars, or Chains, to be erected and set up by virtue of this Act, upon or across any Lane or Road leading into or out of the said Road and Branch through any other of the Turnpikes to be erected by virtue of this Act across such Road, beyond what he would be liable to pay if he had passed through any of the said Gates only, any Thing herein contained to the contrary notwithstanding.

Tolls may be  
distrained  
for.

XXII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Beast or Beasts, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted; to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace for the said Riding.

XXIII. And



XXIII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Road or Branch (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Road or Branch, or any Part thereof, shall knowingly or wilfully permit, or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Gate, private Passage, Lands, or Grounds, in order to or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby avoided; or if any Person not having paid the said Toll, shall offer or produce and use any such Ticket with Intent to avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road or Branch, or shall leave upon or near any Part of the said Road or Branch, any Horse or Horses, or other Beast or Cattle, or any Carriage, chargeable with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds (over and besides such Damage and Punishments as he, she, or they shall otherwise be liable to by Law), to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and it shall be lawful for the said Trustees, or any Five or more of them, if they shall think it necessary in order to prevent the Evasion of Toll, to erect any Gate or Stile across any Lane or Way leading into the said Road; but the Erection of any such Gate or Gates shall not extend to create an additional Payment of Toll; and if any Person shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, such Person shall forfeit and pay, over and above the Damage occasioned, any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein after provided for the Recovery and Application of Penalties and Forfeitures.

To prevent  
Evasion  
of Tolls.

XXIV. And be it further enacted, That in case any Dispute or Disputes shall happen, respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the said West Riding, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer) and shall determine the Amount of the Toll due, and other Matters in Dispute between

Disputes con-  
cerning Tolls  
to be settled  
by a Justice.

[Local.]

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the



the Parties, and also affests the Charges of such Distress, Keeping and Sale, and also of the Attendance of any Person or Persons for that Purpose on such Justice, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Collectors of Tolls competent Witnesses.

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

Exempting the Royal Family from Toll.

XXVI. Provided always, and be it further enacted, That this Act shall not extend, or be construed to extend, to charge with Toll any Horses or Carriages belonging to Their Majesties, or any of the Royal Family, or any Horses or Carriages attending Their Majesties, or any of the Royal Family.

Exemptions from Tolls.

XXVII. And be it further enacted, That no Toll shall be demanded or taken, for any Horse, Cattle, or Beast, employed in carrying or conveying or going to carry and convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Brick, Timber, Wood, Gravel or other Materials for repairing the said Road or Branch, or any of the Roads in the Townships or Parishes in which any Part of such Road and Branch or either of them lies, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or the Lands of the Owners; or for any Horse, Cattle or Beast, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Compost, Dung, or Manure (Lime excepted) for manuring or improving Lands, or for any other Thing employed in the Cultivation or Management of any Farm or Lands (Lime excepted); nor 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 or her proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon 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 Townships or Parish; or from any Clergyman going to or returning from visiting any sick Person, or to or from burying the Dead, or to or from the Christening of any Child or Children, or upon other his Parochial or Ministerial Duty; or for any Horse, Cattle or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters



and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning from conveying the same; or for any Horse, Cattle or Beast, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Cattle or Beast, employed in the Conveyance of Vagrants sent by legal Passes or returning therefrom; or for any Horse, Cattle or Beast, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be taken for any Horse, Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Corps, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and that no Toll shall be demanded or taken for any Horse, Cattle or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Coals to and for the Use of the Inhabitants of the Township, Hamlet, District or Place of *Croftland Half* aforesaid, unless they shall travel at least One hundred Yards on the said Turnpike Road; and that no Toll shall be demanded or taken for any Horse, Cattle or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying any Wool or Woollen Cloth or Yarn, or other Goods, to and from *Dungeon Mill*, at any Toll Gate or Bar to be hereafter erected between *Dungeon Mill* aforesaid and *Lockwood* aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner 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, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XXVIII. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or conveying Lime for the Improvement of Land, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any such 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;

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.



riage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Trustees may  
reduce the  
Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, 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 granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, and for such Time or Times as they the said Trustees shall think proper; and may afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweights; and to order and direct such Tolls so lessened or reduced or advanced, to be collected, received, taken, laid out and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five Sixth Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; nor shall any such Reduction be made, unless Ten Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, and inserted in some public Newspaper circulating in the Neighbourhood of the said Road and Branch.

Trustees em-  
powered to  
compound for  
the Tolls.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, 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 any Horses, Cattle, Beasts or Carriages, passing through any of the said Turnpikes or Toll Gates, so that no Composition shall be made for any Cattle or Carriages travelling for hire; and all such Composition Money shall be paid in advance Quarterly or otherwise, as the said Trustees shall appoint; and in Default thereof, every such Composition shall be void.

Trustees may  
lease Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered at any Meeting, upon Twenty Days Notice in Writing, signed by the Clerk to the said Trustees, being affixed on all and every the Turnpikes that shall be standing on the said Road and Branch, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons for any Time not exceeding Three Years at one Time, for the best Rent that can or may be got for the same; provided that the Leases, Contracts or Agreements of or for the same, be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Five or more of the said Trustees; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Trustees, so as that One Month's Payment of such Rent shall always be in advance, or sufficient Security shall be given for the Payment of such Rent, to the Satisfaction of the said Trustees;



Trustees; or in default thereof, every such Lease, Contract, or Agreement shall be null and void, to all Intents and Purposes whatsoever.

XXXII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for the Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise 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 printed Note or Ticket, denoting the Payment of such Tolls, and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent, any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, 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, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in the same Manner as such last-mentioned Penalty.

For preventing Toll Collectors from misbehaving, &c.

Penalty on obstructing Collectors.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Twenty Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up by virtue of this Act, and inserted in some public Newspaper circulated in the Neighbourhood of the said Road and Branch, may, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses, Turnpike Gates and Appurtenances thereunto belonging (the Charges of assigning

Trustees may borrow Money.

[Local.]

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and



and mortgaging the same to be paid out of such Tolls), for and during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Five or more of them, shall think proper, which said Money so to be borrowed, shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes or Toll Gates are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; that is to say,

BY virtue and in pursuance of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled [*here insert the Title of this Act*], in consideration of the Sum of \_\_\_\_\_ to *A. B.* the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by *C. D.* of \_\_\_\_\_; We, whose Names are hereunto subscribed and Seals affixed, being \_\_\_\_\_ of the said Trustees, do grant and assign unto the said *C. D.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Road and Branch in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the same Tolls, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum due and owing on the Credit of the same Tolls, or charged thereupon for the Term of the said Act, to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said *C. D.* his Executors, Administrators, and Assigns, for the Residue and Remainder now to come and unexpired of the said Term of \_\_\_\_\_ Years, for which the said Tolls are granted by the said Act, subject to the Proviso following; that is to say, Provided always, that if the said Sum of \_\_\_\_\_ shall be repaid to the said *C. D.* his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of \_\_\_\_\_ Pounds *per Centum per Annum*, without any Deduction whatsoever, on or before the \_\_\_\_\_ Day of \_\_\_\_\_ now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof, we have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_.

Copies to  
be entered.

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before Two credible Witnesses, to assign over or transfer his, her, or their Right to the \_\_\_\_\_ Principal



Principal and Interest Money thereby secured to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; that is to say,

I do hereby transfer and assign this Mortgage [*or, a certain Mortgage, &c. as the Case may be*] with all my Right and Title to the Principal Money thereby secured, and all Interest now due on the same, unto  
 Executors, Administrators, and Assigns. In Witness whereof, I have hereunto set my Hand and Seal, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Form of Transfer.

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Twenty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned, to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Five Shillings and no more, and which said Book or Books shall and may at all reasonable Times be perused, and inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators shall and 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 who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

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

No Priority of Mortgages.

XXXV. And be it further enacted, That all the Monies subscribed or to be subscribed, or to be collected or received as Tolls, or to be borrowed or received by virtue of this Act, shall be applied by the said Trustees in Manner following; that is to say, in the First Place, in paying all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and in the next Place, from Time to Time in erecting and repairing Turnpikes, and Toll Gates, and Toll Houses, and the Salaries of Clerks and Surveyors, and in making, repairing, and amending the said Road and Branch, and in defraying the necessary Expences attending the Execution of this Act; lastly, in paying the Principal and Interest of the Money to be borrowed on the Credit of the Tolls hereby granted, and to no other Use or Purpose whatsoever.

Application of the Tolls, and Money borrowed.

XXXVI. And



Subscribers  
to pay their  
Subscription.

XXXVI. And be it further enacted, That the several and respective Persons who have already subscribed any Money for and towards the making, repairing, and keeping in Repair the said Road and Branch, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid at such Place or Places, and to such Person or Persons, as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of their Clerk, and to recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed; and all such Monies shall be vested in the said Trustees, and applied for the Purposes of this Act.

Roads to be  
made.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees to make the said Road and Branch (of a Width not exceeding Thirty-six Feet, and within the Limits herein-after mentioned), and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Road and Branch hereby authorized to be made are intended to pass, and to stake out and make the same, in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of any Lands, Houses, Buildings, Tenements, Hereditaments, or Premises for the same, or for the Damages that shall be done thereto, or to the Lands or Grounds on the Sides of the said Road and Branch, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making such Road and Branch, every such Person so offending shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Forty Shillings.

For restrain-  
ing the Trus-  
tees from de-  
viating be-  
yond certain  
Distances of  
the Line de-  
scribed in the  
Map, &c.

XXXVIII. And whereas a Map or Plan describing the Line of the said Road and Branch, and the Lands, Hereditaments, and Premises, 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 and Tenements, or Hereditaments and Premises, have 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, to the End that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and



and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Map or 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.

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

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

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

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

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor for the Time being, or any other Person or Persons to be employed under them or him, in the making of the said Road, to take down and remove the Buildings or Erections mentioned in the Schedule to this Act, on reasonable Recompence being made to the Owners and Occupiers thereof; such Recompence to be settled and adjusted as herein-after mentioned, in case of any Dispute about the Value thereof.

Certain Buildings, &c. to be taken down.

XLII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which it may be necessary to purchase for making the said Road and Branch as aforesaid, and also for making all necessary Fences on the Sides of the said Road and Branch for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain by the making of the said Road and Branch and Fences; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be

Trustees may purchase Lands for making the Road.



seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, or to sell and convey unto the said Trustees all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat.

XLIII. And be it further enacted, That if any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Grounds, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of the said Road and Branch are intended to be made, widened, diverted, turned, or altered, shall for the Space of Twenty 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 such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Riding, or Place wherein such Lands or Hereditaments do lie, 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 such Jury and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath any one or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all



and every other Person or Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return any indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear, or cause to be sworn Twelve Men, who shall be a 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 the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing, shall refuse to be sworn and examined or to give Evidence; so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff or Agent, nor more than Five Pounds on any other Person, for one Offence.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Jury may be challenged.

Trustees may impose Fines on Sheriffs making default, and on Jury and Witnesses.

Fines.

**XLIV.** And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid, 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 or Juries, as a Recompence and

How the Expences of the Jury and Witnesses are to be borne.



and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby 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 upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for Lands, how to be charged and tendered.

XLV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Monies subscribed, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in Manner by this Act directed (as the Case may be); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, and after Eight Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act, and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises shall be laid into and made Part of the said Road and Branch, in such Manner as the said Trustees, or any Five or more of them shall direct, and shall be by them, or such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become, and be deemed, and taken to be a common Highway, and be from thenceforth Part of the said Road and Branch for ever thereafter, and the said Road and Branch shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road and Branch shall be completed, the Lands constituting any former Road or Roads, which may thereby become useless or unnecessary, shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land, or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in, and shall and may be



be sold and conveyed by the said Trustees, or any Five or more of them, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County or Riding wherein such Road shall be situate, shall be good and effectual in the Law, to all Intents and Purposes whatsoever; and that in all Cases where the said Road and Branch shall be made through any inclosed Land or Ground, being private Property, and where Stone Walls or Stone Fences are usually made for the common Inclosure or Fence of such Lands or Grounds, the said Trustees shall and they are hereby required, out of the Money to be raised, collected, and received by virtue of this Act, to erect or cause to be erected on each Side of the said Road and Branch, where the same shall be made through any such inclosed Lands or Grounds as aforesaid, a Stone Wall or Fence of the Breadth of Twenty-one Inches at the Bottom, and to be reduced in Breadth gradually to Ten Inches at the Top, and to be of the Height of Four Feet and Six Inches at the least, and to leave proper Spaces in such Walls, at convenient Distances, to be pointed out by the Owner or Occupier, Owners or Occupiers of *Whitley Hall* aforesaid, or his, her, or their Agent or Agents, and to place or cause to be placed therein good and substantial Gates, such Gates to be afterwards repaired and renewed by such Owner or Occupier, Owners or Occupiers: Provided always, that all Mines of Coal and other Minerals whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Road and Branch, by virtue of this Act, shall be and is and are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who is, or are, or shall be entitled to such Coal or other Minerals, with liberty for him, her, or them, or his, her, or their respective Agents or Servants to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind in the County or Place where such Mine or other Mineral shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid by virtue of this Act; so that in the working of such Mines no Damage shall be done to the said Road or Branch, or that the said Road or Branch shall be thereby rendered dangerous for the Public.

To compel the Trustees to make Stone Fences.

Mines reserved to the Owners of Lands.

XLVI. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old public Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Riding (who are hereby respectively empowered to take such Affidavit), by some Person or Persons noway interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts what-

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

[Local.]

II B

soever



soever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said respective Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference, shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to 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; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold: Provided always nevertheless, that it shall in no Case be lawful for the said Trustees to erect any other Houses or Buildings on the Land vested in them by virtue of this Act, than such as are necessary for effectuating the aforesaid Purposes; or to demise or lease any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, or any Houses or Buildings, or the Appurtenances thereto vested in them as aforesaid, for any other Purpose whatsoever than that of collecting and receiving the Tolls to be payable by virtue of this Act; and that no Toll House or Building vested in the said Trustees by virtue of this Act shall be used as a Public House.

Application  
of Compen-  
sation if  
amounting to  
200l.

XLVII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person, or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax; or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof



as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest, and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

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

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

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

Application of Compensation when less than 20l.



this Act, in such Manner as the said Trustees, or any Five or more of them shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

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

In case of disputed Titles.

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



Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, 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 Courts shall direct.

Court may order reasonable Expences to be paid by Trustees.

LIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashlar Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Road and Branch, and the Bridges, Culverts, Walls, and Fences in, upon, or under the same; in, upon, out of or from any Waste Grounds, Commons, or uncultivated Lands, common Rivers or Brooks, in any Parish, Township, Hamlet, or Place in which any Part of the said Road and Branch lies, or in any adjoining Parish, Township, or Place, to be used in making and repairing the said Road and Branch, without paying any Thing for the same, and to cart and carry the same over the Lands and Grounds of any Person or Persons making Satisfaction as herein-after mentioned; such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashlar Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials proper or sufficient for that Purpose, cannot be had or gotten in or upon or from such Waste Grounds, Commons, or uncultivated Lands, Common Rivers or Brooks, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid may, by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Stone and Materials as aforesaid in, upon, or out of, from and over the Lands and Grounds of any Person or Persons, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, for all Damages or Loss such Owners or Occupiers may sustain, by or by reason of the cutting, digging, gathering, taking, and carrying away the said Ashlar Stone, Coping Stone, or other Stone, Furze, Heath,

Surveyors to get Gravel.

[Local.]

11 C

Gravel,



Justices to  
determine  
Differences.

Gravel, Sand, and Materials, and to the respective Owners or Occupiers of any Lands or Grounds over which the same may be carried, for any Damages sustained by or from the carrying the same, or the Materials gotten in any Waste Grounds, Commons or uncultivated Lands, Common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or any other Person or Persons by them appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the Riding or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same Riding and Place next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties: Provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away, within the Distance of One hundred Feet of any Bridge, Millweir, or Dam, on any Account or Pretence whatsoever.

No Materials  
to be gotten  
near any  
Bridge, &c.

Notice to be  
given before  
Materials  
taken.

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

Penalties on  
taking away  
Materials.

LV. And be it further enacted, That if any Person whatsoever shall take away any Materials which have been dug, gathered, or got in any Lands, Fields, Grounds, Wastes, or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road and Branch, before the said Surveyors and their Workmen shall have discontinued working therein for the Space of Forty Days,



Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be levied, recovered, applied, and disposed of in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances on any Part of the said Road and Branch, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running along, into, and out of the said Road and Branch, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Road and Branch, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees 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 Six Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down or remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or the said Surveyor or Surveyors shall require; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act, are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Surveyors  
may remove  
Annoyances.

LVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road or Branch, or be suffered to continue so to open, except the Hanging Post thereof shall be Thirty Feet at least from the Centre of any such Part of the said Road or Branch; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally, or in Writing from the Surveyor of the said Road, cause such Gate to be hung so that the same shall not open outwards or swing towards the said Road whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road or Branch, or any Footpath belonging thereto; and in default thereof the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said Riding, and upon Conviction upon the Oath of One credible Witness, pay

Gates to open  
inwards.



pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates; and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Surveyors  
may make  
Causeways  
and Bridges,  
&c.

LVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to make Causeways in and upon the said Road and Branch, and to make Drains in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road and Branch, not being the Ground whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, and by Order of Five or more of the said Trustees to build, erect, or repair, and keep in repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road and Branch, and across any Canal, Stream, River, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Riding or Place wherein such Grounds shall lie, at the General Quarter Sessions of the Peace next after such Difference shall arise, and on such Notice to be given as last-mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining of the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

Trustees to  
erect Mile  
Stones and  
Direction  
Posts.

LIX. And be it further enacted, That the said Trustees shall cause the said Road and Branch to be measured, and Stones or Posts, with proper Inscriptions thereon, to be erected and maintained on the said Road or Branch, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place; and from Time to Time to cause the same to be cleansed and kept legible; and also to cause proper Direction Posts to be affixed and put up where necessary.

Persons liable  
to do Statute  
Work to con-  
tinue so.

Justices to  
determine  
Differences  
touching  
Statute  
Work.

LX. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or Branch, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and that it shall and may be lawful to and for any Two or more Justices of the Peace for the said West Riding of the said County of York, and they are hereby empowered and required (upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road or Branch by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road and Branch do lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Town-ship,



ship, or Place, in lieu of or as a Compensation for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, of the Names of the several Persons who, within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which List 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 Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road or Branch as the said Justices shall think reasonable; and the same shall be done on such Days and for such Time (not being Haytime or Harvest), and in such Parts of the said Road or Branch, as the said Trustees, or their Surveyors or Surveyor, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the several Parishes, Townships, or Places, to be by him or them paid to the said Trustees or their Treasurers, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect and refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of 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, or Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person and 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 Road, shall be found idle or negligent by any Surveyor of the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied toward the amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in

[Local.]

II D

such



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 Ten Pounds.

Trustees may compound for Statute Work.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic and Corporate, for the Statute Work to be by them done on the said Road and Branch, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments of and in all or any of the Parishes, Townships, or Places in which the said Road and Branch shall lie and be 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 or Occupiers done on the said Road and Branch; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in advance, on or before the Twenty-eighth Day of *November* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Trustees may contract for Repairs.

Contracts to be binding.

LXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, and repairing the said Road and Branch, or any Part thereof, for erecting Mile and Direction Stones or other 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 shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, 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 or 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, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road and Branch, 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 Damage to be recovered in any such Action or Suit, against any such Party or Person, Parties 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.

Penalties for Offences against the Act.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any of such Stones, Posts, Boards, or other Things



Things as shall be put up or made under the Provisions of this Act, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person or Persons shall drive or ride any Horse, Mule or Ass, or drive other Cattle, or any Cart or other Carriage, or shall draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow, on any Footway or Causeway adjoining to the said Road or Branch, or shall cause any Damage to be done to such Footway or Causeway, or to any Hedges, Fences, Breast Walls, Post Rails or Paling, set up along the Side or upon such Footway; or shall, in or upon any Part of the same Road or Branch, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, finge, scald, dress, or cut up any Beast; Swine, Calf, Lamb, or other Cattle; or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop or Shambles, into the said Road or Branch; or burn, dress, or sweep any Piece or Pieces of Cork; or hoop, fire, cleanse, wash, or scald any Wheel or Wheels, Cask or Casks, in any Part or Parts of the said Road and Branch, or in any exposed Situation near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mare or Gelding, Mule or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Road and Branch; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road or Branch, any Tree or Piece of Timber, or any Stone, otherwise than wholly upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Road or Branch, to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Road or Branch, shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road or Branch, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the Road and Branch; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road or Branch, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires; or shall set fire to or let off any Gun, Pistol, Cracker, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part or Parts of the said Road or Branch; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Road or Branch, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road or Branch, or on the Side or Sides thereof, or upon the Foot-

paths



paths or Causeways adjoining to the said Road or Branch, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall throw, sweep, or discharge any dirty or other Water on any Part of the said Road or Branch, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road or Branch, by any Means whatsoever; or shall lay or place on the Walls or Fences of the said Road or Branch, or on the Sides of the said Road or Branch, for any Purpose whatever, any Wool, Woollen Cloth or Linen, or shall tenter or stretch any Warp or Warps within the Fences, or on the Side of the said Road or Branch, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Recovery of Penalties and Forfeitures;

and Application thereof.

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

For securing transient Offenders.

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

LXVI. And



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

<p>‘ BE it remembered, That on the          ‘ in the Year of our Lord          ‘ is convicted before          ‘ Peace for the          ‘ and Place when and where the same was committed, as the Case shall          ‘ be.] Given under my Hand and Seal, the Day and Year first above          ‘ mentioned.’</p>	<p>Day of          of His Majesty’s Justices of the          of [specifying the Offence, Time          and Place when and where the same was committed, as the Case shall          be.]</p>	<p>Form of Con-          viction.</p>
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LXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding 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 removable by Certiorari, or any other Writ or Process whatsoever, into 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 done 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 such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining, before such Action brought.

Proceedings  
 not to be  
 quashed for  
 want of  
 Form.

LXVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Six Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Ten Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice, entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions;

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

[Local.]

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and



and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance; shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions and set the Parties at Liberty; or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County, Riding, or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of  
Actions.

LXIX. 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 to the said Trustees, nor after sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may, at his and their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXX. 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.

LXXI. And



LXXI. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The Commencement and Continuance of this Act.

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SCHEDULE referred to by this Act.

A COTTAGE, situate in *Lockwood*, in the Occupation of *John Fairness*.

A Shop and Two Coalholes, in *Lockwood*, in the several Occupations of *John Crowther*, *Thomas Tate*, and *Samuel Mitchell*.

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