Anno tricesimo

Georgii II. Regis.

An Act for enlarging the Terms and Powers granted by Two several Acts, passed in the Fourteenth Year of His present Majesty, the one for repairing the Roads from a Place called *The Red House*, near *Doncaster*, to *Wakefield*, and through the said Town of *Wakefield*, by *Dewsbury*, *Hightown*, and *Lightcliff*, to the Town of *Halifax*; in the West Riding of the County of *York*; and the other for repairing the Road from *Wakefield* to *Pontefract*, and from thence to a Place called *Weeland*, in the Township of *Hensall*; and from *Pontefract* to *Wentbridge*, in the Township of *Darrington*, in the West Riding of the County of *York*.

WHEREAS by an Act of Parliament passed in the Fourteenth Year of the Reign of His present Majesty, intituled, An Act for repairing the Roads from a Place called *Red House*, near *Doncaster*, to *Wakefield*, and through the said Town of *Wakefield*, by *Dewsbury*, *Hightown*, and *Lightcliff*, to the Town of *Halifax*, in the West Riding of the County of *York*; several Persons therein named were appointed Trustees for putting the said Act in Execution; and divers Tolls and Duties were granted and made payable, and were thereby

Preamble, reciting Two Acts of 14 *Geo.* II.

directed and appointed to take Place from and after the Twentieth Day of May, One thousand seven hundred and forty one, and to continue and be paid from thence, for and during the Term of Twenty one Years; and divers Powers, Authorities, Rules, Orders, and Provisions, were thereby given, granted, prescribed, and established, for repairing the said Roads, and putting the said Act in Execution; and by another Act of Parliament made in the said Fourteenth Year of the Reign of His present Majesty, intituled, An Act for repairing the Roads from *Wakefield* to *Pontefract*, and from thence to a Place called *Weeland*, in the Township of *Henfall*; and from *Pontefract* to *Wentbridge*, in the Township of *Darrington*, in the West Riding of the County of *York*; several Persons therein named were appointed Trustees to put the said Act in Execution; and divers Tolls and Duties were thereby granted and made payable, and directed and appointed to take Place from the Tenth Day of May, One thousand seven hundred and forty one, and to continue in Force, and be paid from thence, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and divers Powers, Authorities, Rules, Orders, and Provisions, were thereby given, granted, established, and prescribed, for repairing the last-mentioned Roads, and executing and effecting the Purposes of the said Act: And whereas the several Trustees nominated and appointed by the said Acts, have, in pursuance of the Powers and Authorities thereby vested in them respectively, borrowed considerable Sums of Money upon the Credit of the Tolls arising within their several Districts, which still remain due and unsatisfied: And, although the Money so borrowed, together with the Money arising by the Tolls and Duties afore-mentioned, have been applied pursuant to the Directions, and for the Purposes of the said Acts; yet, by Reason of the great Number of Waggons, and other Carriages, passing through the said Roads, loaden with, and carrying excessive and exorbitant Weights and Burdens, and which either do not contribute at all to the Repair of the said Roads, or in a great Disproportion to the Damage and Spoil they do the same, several Parts of the said Roads remain unrepaired, and unless some Remedy and Provision be speedily had and made, the same will soon become impassable; and as the said Roads cannot be effectually repaired and completed, and the Monies borrowed on the Credit of the said former Acts be repaid, unless the Tolls and Duties thereby granted be augmented,

mented, and the Powers thereby given, and the Terms thereby granted, be extended, enlarged, and rendered more effectual, by Authority of Parliament: To the End therefore that the said several Roads directed and appointed to be repaired by the said Two former Acts may be more speedily and effectually repaired; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons in and by the said several Acts nominated and appointed Trustees, and who have been chosen Trustees by virtue of either of the said Acts, for repairing the Roads therein, or in either of them mentioned, or any Part thereof, or so many of them as shall be living at the Time of passing this present Act, together with Sir John Armytage Baronet, John Armitage, Samuel Armitage, Charles Allanson, Thomas Arthington, William Alexander, Sir Walter Blacket Baronet, Richard Beaumont, Timothy Battie, Thomas Beaumont, Richard Burton, Musgrave Briscoe, Thomas Bradshaw, John Boldero, William Briges, Gabriel Brooke, John Baldwin, John Bentley, Jeremy Batley, John Batley the younger, John Bramley, Robert Butterfield, Daniel Battye, Arthur Burton, Richard Buxton, Richard Brooke, John Barker, Joseph Beaumont, Thomas Beatson, Oultram Beatson, James Banks, Beever, Nathaniel Cholmley, Anthony Cooke, Thomas Cotton, William Crowle, John Cookson D. D. the Reverend John Clarke Clerk, William Charnock, George Charnock, Robert Clarkson, John Caygill the younger, James Cooke, the Right Honourable Lord Viscount Downe, in the Kingdom of Ireland; John Dawney, George Disney D. D. the Reverend Christopher Driffield Clerk, the Reverend John Drake Clerk, Denham, William Downes, John Dyson of Clayhouse, John Dearden, Anthony Eyre, Edward Elmsall, John Edwards, Benjamin Ferrand, Thomas Foljambe, Robert Fretwell, Abraham Firth, Abraham Firth the younger, the Right Honourable the Lord Viscount Gallway, of the Kingdom of Ireland; William Greame, James Greame, Richard Green, Richard Grice, Thomas Grosvenor, Walter Hawksworth, Henry Hitch, William Horton, Joshua Horton, John Horsfall, Doctor Hulme, Richard Hill, Thomas Hirst, Elkanah Hoyle, Horsfall, John Hall, Nathaniel Holden, John Holden, Richard Holden, Alexander Hatfield, John Haigh, Luke Hoyle, William Haigh, Thomas Hoyle, Additional Trustees Names.

Hoyle, William Haigh **the younger**, James Haigh, Stanhope Harvey, **Sir** Henry Ibbetson **Baronet**, Charles Ingram, **the Reverend** William Johnson **Clerk**, Cyril Jackson **D. D.** **Sir** John Lister Kaye **Baronet**, Richard Kaye, John Kitchingman, Joseph Kitchingman, John Kirshaw, Edward Leeds, John Lister **Clerk**, Samuel Lister, **the Reverend** Timothy Lee **D. D.** **the Reverend** William Lowther **Clerk**, Jonathan Laycock, Joshua Laycock, John Lumb **the younger**, Samuel Lister **the younger**, James Lister, Japhet Lister, Robert Milnes, Bacon Morritt, James Maude, William Marsden, William Maude, Francis Maude, Pemberton Milnes, Maude **the younger**, Daniel Maude, James Nelthorpe, William Naylor, Jeremy Naylor, William Nevison, Jonathan Nichol, John Pilkington, Harrison Pilkington, **the Mayor, Recorder, and senior Aldermen of the Borough of** Pontefract, John Priestly, Preston, William Prescott, John Prescott, William Rawstorne **Clerk**, John Ramsden, Robert Ramsden, Giles Rickaby, Rayner, Christopher Rawson, Jeremiah Royds, John Royds, Robert Royds, Abraham Radcliffe, **Sir** George Savile, **Sir** Bryan Stapilton, **Baronets**; John Stanhope, John Silvester Smith, William Sotheron **the younger**, Matthew Swiney, **the Reverend** Thomas Smyth **Clerk**, **the Reverend** Samuel Sandford **Clerk**, Robert Steer, Michael Scrimshire, Charles Steer, Valentine Stead **the younger**, George Shillitoe, John Stead, Thomas Smith, William Shawe, John Stancliffe, John Simpson, John Simpson **the younger**, Joseph Stocks, George Stansfield, David Stansfield, Samuel Stead, Richard Shepley, John Twizleton, **the Reverend** James Torre **Clerk**, William Turner, William Thompson, Richard Tennant, Thomas Wentworth, Godfrey Wentworth, Peregrine Wentworth, Thomas Winn, Walter Wade, Richard Wainman, **the Reverend** John Wiggan **Clerk**, **the Reverend** John Watson **Clerk**, Thomas Wilsford **D. D.** John Waterhouse, Rowland Winn, John Woolmer, Daniel Whitaker, Christopher Wetherhead, Michael Wainhouse, William Wood, Haigh Walker, John Yorke, **the Reverend** Henry Zouch **Clerk**, Samuel Zouch, Adams, Robinson Morley, Robert Mitford, Robert Harper, Samuel Harper, Thomas Yorke, John Yorke **the younger**, John Thornhill, George Thornhill, Thompson, **and** John Taylor **the younger, shall be, and they are hereby appointed and declared to be Trustees for putting the said former Acts (or so much thereof as are not hereby repealed or altered) and this present Act in Execution, in all and every of the Districts and Divisions in the said former Acts and herein after-mentioned.**

And

And be it further enacted, That the several Roads herein before-mentioned shall be divided into, and be deemed to consist of, Three several Districts or Divisions for the several Purposes, and within the several Limits herein after-mentioned; that is to say, Such Part of the said Roads as lies between the Red House aforesaid, and the South End of Wakefield Bridge, over Calder, shall be deemed to be comprized in, and to constitute One District or Division; and that such Part of the said Roads as lies between the North End of the said Bridge and the Town of Halifax, shall be deemed to be comprized in, and to constitute another District or Division; and that the Road from Wakefield to Pontefract, and from thence to Weeland, and also the Road from Pontefract to Wentbridge, shall be deemed to be comprized in, and to constitute another District or Division of the Roads hereby directed to be repaired.

Trustees may erect Turnpikes and Toll-houses.

And it is hereby further enacted, That the said Trustees, at Meetings to be held in pursuance of this Act, for the said several Districts or Divisions, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, to continue, remove, take down, erect, and set up, or order and cause to be continued, removed, taken down, erected, and set up, such Gates, Turnpikes, and Toll-houses, respectively, in, across, or on the Side or Sides of any Part of the said Roads respectively, as to them shall seem requisite and expedient for the Purposes of this present Act.

No Gate to be set up nearer *Wakefield*, than the South End of *Agbrigg*; nor West of *Wakefield*, nearer than *Westgate Moor*; or within 1 Mile of *Halifax*.

Provided always, That no Turnpike or Toll-gate shall be erected or set up in the First District or Division of the said Roads, nearer the Town of Wakefield than the South End of Agbrigg; nor shall any Turnpike or Toll-gate be set up in any Part of the said Roads lying Westward of the Town of Wakefield, nearer the said Town than the West End of Westgate Moor, or within One Mile of the Town of Halifax; nor shall any Turnpike or Toll-gate be taken down and removed, or any Turnpike or Toll-gate be erected or set up, within any of the Districts or Divisions of the Roads hereby directed and appointed to be repaired, without the Order and Direction of Nine of the Trustees acting for the District or Division wherein such taking down, Removal, or Erection, shall be, at some publick Meeting to be held in or for the same, nor unless Notice in Writing, signed by the Clerk to the said Trustees, be affixed on all the Turnpikes and Toll-gates then standing and being within such District, at least Twenty

Nine Trustees to make Order for erecting or removing Gates in their several Districts.

Notice of Meeting for that Purpose to be given.

Twenty Days before the same shall be taken down, removed, or erected.

Side Gates may be erected on any Parts of the Road;

Provided also, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the said Trustees, or any Nine or more of them, from erecting, or causing to be erected and set up, any Side-bar or Side-bars, in all or any of the said Districts or Divisions, where they shall think proper and convenient; nor to hinder or restrain the erecting and setting up of any Bar or Bars, at or about the West End of the said Town of Wakefield, or nearer thereto than the West End of Westgate Moor, for the Purpose of collecting the Toll upon Coals only, which shall pass through, or be brought into, the said Town, or One Moiety of the same, herein after appropriated for and towards repairing the middle Causeway leading through the Streets of Westgate and Kirkgate in Wakefield aforesaid.

and also at *Wakefield*, for collecting the Tolls on Coals.

Trustees impowered to demand the following Tolls.

And it is hereby further enacted, That the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall respectively authorize and appoint, shall and may demand, receive, and take, within every of the said several Districts or Divisions, the several Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or any other Carriage whatsoever, shall be permitted to pass through any of the Gates or Bars, in such Districts or Divisions respectively; that is to say,

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and,

For every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Nine Pence; and,

For every Waggon or Wain, or other Four-wheeled Carriage (other than Carriages passing empty, or loaded with Lime, Coals, or Cinders) drawn by Five Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, Mares, Geldings, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of One Shilling; and,

For every Cart or other Two-wheeled Carriage (other than Carriages passing empty, or loaded with Lime, Coals, or Cinders) drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, Mare, Gelding, or other Beast of Draught, the Sum of Three Pence; and,

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, nor loaded with Lime, Coals, or Cinders, the Sum of One Penny Halfpenny; and,

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number; and,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number; and,

For every Waggon, Wain, or other Four-wheeled Carriage, loaded with Coals or Cinders, drawn by Five Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Nine Pence; and,

For every Wain, Cart, or other Carriage, with Two Wheels only, loaden with Coals or Cinders, drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Four Pence Halfpenny; and drawn by One Horse, Mare, Gelding, or other Beast of Draught, the Sum of Three Pence; and,

For every Horse, Mare, Gelding, or other Beast of Burthen, going loaded with or carrying Coals or Cinders, the Sum of One Penny Halfpenny; and,

For every Waggon, Wain, or other Four-wheeled Carriage, empty, or loaden with Lime, drawn by Five Horses, Mares, Geldings, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and,

For every Wain, Cart, or other Carriage, with Two Wheels only, empty, or loaden with Lime, drawn by Three Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and drawn by Two

Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Three Pence; and drawn by One Horse, Mare, Gelding, or other Beast of Draught, the Sum of One Penny Halfpenny; and,

For every Horse, Mare, Gelding, or other Beast of Burthen, going unloaded for or loaded with Lime, the Sum of Three Farthings.

Provided always, That in case any empty Waggon, Cart, or other Carriage, shall return the same Day loaded otherwise than with Lime, then such farther Sum or Sums of Money shall be paid for such Carriages respectively in returning, as, together with what was paid for the same in going empty, shall make up the Toll hereby laid upon such loadened Carriages respectively: Which said several Sum and Sums of Money, hereby granted and made payable, shall and may be demanded and taken in the Name of and as a Toll or Duty, in lieu and stead of the Tolls and Duties granted and made payable by the said former Acts; and shall be, and the same are hereby vested in the said Trustees and their Successors; and the same and every Part thereof shall be paid, applied, laid out, employed, and disposed of, to and for the several Uses, Intents, and Purposes, herein after mentioned, ordered, provided, and directed: And that the said Trustees, or any Nine or more of them, shall have such and the same Remedies and Powers for levying, receiving, and recovering the said Tolls and Duties, as were given, granted, and provided, in the like Case, in and by the said former Acts respectively, or either of them, and such farther and other Remedies and Powers as are given and provided by this Act to the said Trustees, or any Number of them.

Tolls vested in Trustees.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, within all or any of the said several Districts respectively, shall and may, if they shall think fit, demand, receive, and take, from the First Day of October to the First Day of April, yearly, for all Wheel Carriages, not having the Fellies of their Wheels of the Gauge of Nine Inches, One Third Part of the respective Tolls and Duties, over and above the Tolls and Duties that they are in and by this Act directed to take and receive, before any such Wheel Carriage shall be permitted to pass through any of the Toll-bars or Turnpikes erected or to be erected by virtue of this present or the said former Acts; any thing herein

Tolls in Winter may be raised One Third on narrow Wheel Carriages.

herein before contained to the contrary notwithstanding.

Application of the Tolls.

And it is hereby further enacted and declared, That the several Tolls and Duties arising, and to be received, and taken, within the said several Districts and Divisions respectively, by virtue of this present Act, and the Rents and Sums of Money arising and produced by leasing or letting out the same Tolls and Duties respectively, and the Money already raised, and to be raised, borrowed, and taken up, in pursuance of this Act, or of the said former Acts, or either of them, upon the Credit of such Tolls and Duties, shall be paid, applied, and disposed of, in the First Place, for the Payment and Discharge of all the Expences and Charges attending the Application for an Act in the last Session of Parliament, for enlarging the Terms and Powers granted by the said Two former Acts, and also for the obtaining this present Act, by the Direction of the Trustees at any publick Meeting, or Adjournment thereof, held by virtue and in pursuance of the said former Acts, or either of them, in equal Proportion; and afterwards, in and for amending, repairing, and keeping in Repair, such Parts of the said Roads as lie within the said Districts or Divisions respectively (save as herein aftermentioned) and in keeping down, paying off, and discharging the Principal and Interest Money now due and owing, and hereafter to be borrowed, or to become due and owing upon the Credit of the Tolls arising in such Districts or Divisions respectively; and that the Money arising within any One of the said Districts, by the Ways and Means herein before mentioned, shall not be applied, or applicable, to or for repairing the Roads lying within any other of the said Districts, or otherwise, for the Benefit thereof; except in such Cases wherein, or for which, it is hereby otherwise provided.

This Act shall not impower the Trustees to repair the Pavements of the Town Streets of *Wakefield*, &c.

Provided always, That nothing in this Act contained shall authorize and impower the Commissioners and Trustees herein before named and appointed, and their Successors, or any of them, to repair and amend any of the Pavements of the Town Streets of Wakefield, Halifax, Pontefract, or Knottingley, or any of them, other than and except as is herein after-mentioned.

Coals and Cinders how to be drawn.

And whereas it is found by Experience, That Carts and other Carriages loaden with Coals and Cinders, do more Damage to the said Roads than any other Carriages, from their constant passing upon the same with heavy Weights, upon narrow Wheels; be it further enacted by the Authority aforesaid, That the Fellies of

the Wheels of such Carts and Carriages as shall be loaded with Coals or Cinders, and shall travel any less Distance than Four Miles on any of the said Roads, and be drawn by more than Two Horses or Beasts of Draught, shall be of the Gauge or Breadth of Nine Inches at the Sole or Bottom thereof, and nailed on with flat-headed Nails; and that no such Cart or Carriage so loaded, and travelling any less Distance than Four Miles, as aforesaid, shall be drawn by more than Four Horses or Beasts of Draught; and in case of the same being drawn by Four Horses or Beasts of Draught, such Horses or Beasts of Draught shall be yoked double; or being drawn by Three Horses or Beasts of Draught, Two of such Horses or Beasts of Draught shall be yoked double; and if any such Cart or Carriage shall be drawn otherwise than as aforesaid, the Owner or Driver thereof shall, for every such Offence, forfeit and pay Twenty Shillings.

Penalty.

And whereas the Pavements of the Streets of the Town of Wakefield are in a most ruinous Condition, which is chiefly occasioned by the said Town being situated at the Head of the Navigation of the River Calder, and surrounded with Collieries, from several of which great Numbers of Carriages are constantly (so long as the Roads will permit) carrying Coals and Cinders through the said Town to the said Navigation, in order to be exported and carried into other Countries and distant Parts of the Kingdom, whereby the Roads, and especially the said Streets, are greatly destroyed: And whereas the Inhabitants of the said Town, were by the said Act first above-mentioned, exempted from paying Tolls for Coals for their own Consumption, between the First Day of April, and the Thirtieth Day of October, in every Year, and were also intitled to an Aid of Twenty five Pounds per Annum, out of Money arising from the Tolls paid by Carriages leading Coals through Wakefield to the said Navigation, both which Exemption and Aid have been found inconvenient; be it therefore enacted by the Authority aforesaid, That the said Exemption and yearly Payment herein last above-mentioned, shall from and after the Twentieth Day of May, One thousand seven hundred and fifty seven, cease and determine; and the same are hereby enacted and declared to be from thenceforth repealed and made void; and that in lieu of the said Exemption and yearly Payment, One Moiety of all the Monies arising by the Tolls and Duties upon Coals and Cinders only, which shall be collected at the Turnpike called Westgate Moor Bar, near Wakefield

The Exemption and yearly Payment granted by the former Acts, repealed:

Grant of a Moiety of the Tolls made in lieu thereof.

Wakefield (or in case of the same being removed or taken away, then at such Turnpike-gate as, for the time being, shall be placed nearest to the West End of the said Town of Wakefield, or in the mean Time at such other Gate or Bar, as shall be placed for that Purpose only in the said Town of Wakefield, or between the present Bar called Westgate Moor Bar and the said Town of Wakefield) and One Moiety of all the Monies which shall from time to time be raised or produced by letting out the same, or any Part thereof, or by Mortgage, Demise, or Assignment thereof, or of any Part thereof, or otherwise upon the Credit of the Tolls last-mentioned, either jointly with or separately and distinctly from the other Moiety thereof, shall be so mortgaged, assigned, charged, collected by, and paid to the Trustees for the said District lying between the North End of Wakefield Bridge, over Calder, and the Town of Halifax, or to any Five or more of them, or to such Person or Persons as the same Trustees, or any Five or more of them, shall, from time to time, nominate and appoint to collect and receive the same, by Writing under their Hands, at Meetings to be held for the Execution of this Act, at the Town of Wakefield only; all which Moiety shall, if necessary, from time to time, be employed and laid out in repairing and keeping in Repair, the middle Way or high Causeway only, leading through the Streets of the said Town of Wakefield from Westgate Bridge to Kirkgate Bar, there, in such Order and Manner, and by such Means, as such Trustees last-mentioned, or any Five or more of them, shall, from time to time, direct, contract for, order, and agree upon, by Writing under their Hands; and the Trustees last-mentioned, or any Five or more of them, shall have such and the like Powers in all Respects over the said Moiety, and the Money to arise therefrom to be laid out in repairing the said Streets as aforesaid, as are given and granted to the Trustees nominated in and by this Act, over the Residue of the Tolls and Monies to be taken and raised by virtue thereof, in all and every of the Districts above-mentioned.

The Monies arising from the said Grant, to be applied in repairing the middle Pavements.

Power of Trustees over the said Moiety.

Provided always, That if the said Moiety shall be more than sufficient effectually to repair, and keep in Repair, the said middle Way, or high Causeway, the Surplus of such Moiety which shall, from time to time, remain, after the Expences of such Repairs shall be defrayed, shall be applied in the Execution of any of the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall, from time to time, direct and appoint; be it therefore further enacted, That the Treasurer acting within that District of the Roads hereby directed to be repaired, which lie between Wakefield and Halifax, shall

Application of the Surplus arising from the said Moiety.

Arrear of 25 *l.* a Year to be paid.

shall on or before the Twenty fifth Day of December, One thousand seven hundred and fifty seven, pay or cause to be paid unto the Trustees appointed for the same District, who reside and inhabit in the Town of Wakefield aforesaid, or to any Three of them, or to such Person or Persons as they, or any Three of them, shall by Writing under their Hands, appoint to receive the same, the Sum of One hundred and forty Pounds, out of the Tolls and Profits arising in the said District, or the Money to be borrowed on the Credit thereof, for the Arrears of the said Annuity of Twenty five Pounds per Annum, granted for and towards the repairing of the said Streets of Wakefield, in and by the said Act first above-mentioned; and which said Sum so to be paid, shall with all Speed, be laid out and applied in Manner and for the Purposes herein last before directed and appointed.

and laid out in repairing *Wakefield Streets.*

And whereas a great Number of Carts and Carriages with narrow Wheels are constantly or chiefly employed in carrying heavy Loads of Corn, Grain, Oil, Wine, Groceries, Wool, Cloth, Bale Goods, Lime, Raff, Timber, Materials for building, and dying Goods, and other Goods, Wares, and Merchandize, to and from divers Parts of the said Town of Wakefield and the River Calder, and which have greatly contributed to the Spoil and Destruction of the Pavement of the Streets of the said Town; now for remedying and preventing the same for the future, it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and fifty seven, it shall not be lawful for any Cart or Carriage, so used and employed as aforesaid, to pass or be drawn in, over, or upon, any of the Streets of the said Town, unless the Sole or Bottom of the Fellies of the Wheels of every such Cart or Carriage be of the Breadth or Gauge of Nine Inches at the least; and every Owner of any such Cart or Carriage, which shall pass or be drawn contrary to the Directions, Tenor, and true Meaning of this Act, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and applied, in Manner herein after-mentioned.

Carriages employed between the Town and the River, to use Broad Wheels.

Provided also, and it is hereby further enacted and declared, That no Toll shall be collected or taken for any Waggons or other Carriages, Horses, or other Cattle, laden with or carrying Gravel, Stone, or other Materials, for paving or repairing any of the said Streets of Wakefield, Halifax, Pontefract, or Knottingley, or for making, repairing, or widening any of the said Roads hereby intended to be repaired, or any other Road within any of the Parishes, Townships, or Places, wherein

Persons and Things exempted from the Tolls.

the said Turnpike Roads do lie; or for any Waggon or other Carriage laden with Stone, Brick, Timber, or other Materials, except Lime for building or repairing Houses or Buildings, which are or shall be erected in any Townships or Hamlet within which any Turnpike-bar is or shall be erected, and through which such Materials shall be carried, which shall not pass above the Space of One Mile upon such Turnpike Road; or for any Carriage laden with Hay or Corn in the Straw, or Manure, except Lime, being the Produce of the Lands of any of the Inhabitants of the several Townships, Hamlets, or Places, in which the said Turnpike Roads lie, in order to be laid or stacked in the Houses, Out-houses, Barns, Yards, or Grounds, or to be spread or laid upon the Lands of any of the said Inhabitants, within such Townships, Hamlets, or Places respectively; or for any Carriages, Horses, or Cattle, drawing Ploughs, Harrows, or other Implements of Husbandry, for the tilling, working, improving, or managing of Lands; or for any Carriages, Horses, or Cattle, going to or returning from Plough, Pasture, or Watering Places; or for any Horse, Mare, Gelding, or Mule, of or belonging to any Person residing in the Parishes or Places in which any of the said Turnpike Roads lie, who shall pass through any Turnpike or Gate to or from Church, or other usual Place of Worship on Sundays; or who shall attend the Funeral and accompany the Corpse of any Person who shall die and be buried in any of the said Parishes or Places; or for the Horses of Soldiers upon their March, or for Carriages attending them, or carrying their Baggage; or for any Horses or Carriages having the publick Mail or Packet; or for Horses or Carriages travelling with Vagrants sent by Passes; or on the Day or Days whereon there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the said County of York, or on the Day before or Day after such Elections, of any Person or Persons travelling on Horseback, or in Coaches or other Carriages; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled thereto, such Person shall forfeit and pay the Sum of Ten Shillings.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, within their respective Districts or Divisions, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to farm-lett, the Tolls to be collected and recovered by virtue of this Act, within the

Trustees may lease, &c. the Tolls.

the said respective Districts, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, upon Twenty Days Notice in Writing, to be fixed on all the Turnpike-gates or Bars erected or continued by virtue of this Act within such respective Districts, for the best Rent they can get for such Tolls, to be payable to the said Trustees, or to such Person or Persons as any Nine or more of them, shall under their Hands appoint to receive the same, with such Covenants and Agreements therein to be contained, as the said Trustees, or any Nine or more of them shall think proper and requisite; and which said Rents so to be paid by virtue of such Leases as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may borrow Money on the Credit of the Tolls.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, within the said several Districts or Divisions, may and they are hereby impowered, from time to time, to borrow such Sum or Sums of Money by such Security and Securities upon the Credit of the said Tolls, or any Part or Proportion thereof, in such Manner, and by such Ways and Means, as they, or any Nine or more of them, shall think fit, at Interest after the Rate of Five Pounds per Centum per Annum, or less, so as Notice in Writing be for that Purpose affixed upon all the Turnpikes or Toll-gates within such District for which such Money shall be borrowed, at least Twenty Days before the borrowing thereof; and all such Securities shall be entered in a Book or Books to be kept for that Purpose; which said Securities, or any Part thereof, or any Part or Share of the Principal and Interest thereby secured, shall and may, from time to time, be assigned, transferred, and set over, by the Person or Persons possessed of, and intitled to the same for the time being, by any Writing or Writings under his, her, or their Hand or Hands, or by Indorsement thereon; and such Securities, Assignments, Transfers, and Indorsements respectively, shall not nor shall any of them, be liable to, or charged or chargeable with, any of the Stamp-duties, but shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the Trustees acting within the District or Division wherein the Tolls comprized in or affected by such Securities do respectively arise, within Three Months next after the Date of every such Security,

Assignments may be transferred.

Transfer,

Transfer, or Assignment respectively; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of such Assignment or Transfer in the said Book or Books, containing the Date and Parties Names, and Sums of Money therein mentioned, and thereby intended to be assigned or transferred; for which Entry the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, not exceeding One Shilling, as the said Trustees, or any Three or more of them, shall order and direct; and after such Entry made, every such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the Principal Money and Interest therein mentioned, and thereby intended to be assigned or transferred; and neither the Person nor Estate of any Trustee or Trustees signing any such Security, shall be liable to answer or pay the Money due, or to become due thereon, or to be sued for or in respect thereof.

Entries to be made thereof.

Clerks Fee.

Provided also, That all the Money borrowed on the Credit of the Tolls granted by the said former Acts, or either of them, by Mortgage or Sale thereof, or otherwise howsoever, and the Security and Securities given for the same, shall be a Charge upon the Tolls and Duties granted by this Act, and arising within the several Districts or Divisions of the said Roads, which stood mortgaged, charged, or otherwise engaged, for the Payment of any Sum or Sums of Money, and Interest, by virtue of either of the said former Acts; and that all the Powers and Provisions hereby made and granted, for borrowing, taking up, securing, and repaying, any Sum or Sums of Money, for the Purposes in this Act mentioned, shall extend to the Securities made by virtue of the said former Acts, or either of them, and to all such Sums of Money as were borrowed and advanced upon the Credit thereof, or either of them.

Money borrowed on the former Acts to remain a Charge upon this.

Provided also, That no Securities to be made, or Money borrowed by virtue of this Act, shall take Place of, or interfere with, or in any Manner prejudice or affect the Payment of any Sum or Sums of Money borrowed or taken up at Interest, and owing upon the Credit of the said former Acts, or either of them.

No Securities to prejudice the Credit on the former Acts.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby authorized and impowered to contract for and purchase any Lands, Grounds, or Houses, Buildings, Tenements, or Hereditaments, situate in, upon, or near the said Roads, being the private Property of any Person or Persons, which they, or any

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

Nine or more of them, shall think necessary to be purchased, in order to the amending, repairing, and widening the said respective Roads, or to the diverting or turning the same, or any Part thereof, if the said Trustees, or any Nine or more of them, shall judge it more safe and commodious; and to take a Conveyance of the said Lands, Grounds, Houses, Buildings, Tenements, and Hereditaments, in Fee to such Person or Persons, as the said Trustees, or any Nine or more of them, shall appoint, in Trust for such Trustees, and their Successors; and to the Intent the said Houses and Buildings shall and may be pulled down, and the Ground whereon the same stand, together with the other Lands and Grounds so to be purchased, shall and may be made use of, and shall be converted into, and made Part of the said Roads, in such Manner as the said Trustees, or any Nine or more of them, shall think convenient and proper; and the said Lands so to be converted into and made Part of the said Roads, shall be sufficiently ditched and fenced out for that Purpose, and from time to time, repaired out of the Money arising by virtue of this Act, by such Person or Persons as such Trustees, or any Five or more of them, shall order, direct, or appoint.

Lands, &c. purchased to be made Part of the Road,

and kept in Repair as publick Highways.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert, Feoffees or Lessees in Trust, are or may be seised or possessed of Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, which by the said Trustees may be thought necessary and proper to be purchased, for the making, widening, diverting, or repairing the said Roads; and such Persons, Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert, Feoffees, or Lessees, may be willing to treat and agree for the Sale of such Lands, Grounds, Houses, Buildings, Tenements, and Hereditaments, but are or may be incapable of selling, granting, or conveying the same, by reason of Infancy or other Disabilities; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Femes Covert, or others, and for all and every other Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Nine or more of them, for the Sale or Alienation of the same, or their Interest therein

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

in, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands;

And it is hereby enacted, That if it shall happen that any of the Owners or Occupiers, Bodies Politick, Corporate, or Collegiate, or any other Person or Persons, interested in the said Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, directed or intended to be purchased by virtue of or under the Authority of this Act, upon Notice to them given, or left in Writing at the Dwelling-house or Dwelling-houses, or Place or Places of Abode, of such Person or Persons, or of the Chief Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Houses, Buildings, Tenements, and Hereditaments, so to be taken in, and made Part of the said respective Roads, as aforesaid, shall, by the Space of Three Months next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or any of them respectively, as aforesaid, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants, Precept or Precepts, to the Sheriff of the County of York, thereby commanding and requiring him to impanel and return a Jury of Twenty four substantial disinterested Persons, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be appointed; and the said Sheriff, or his Under Sheriff or Deputy, is and are hereby required to impanel, summon, and return Twenty four substantial and disinterested Men of the said County, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and out of the Persons so impanelled and returned, or out of so many of them as shall appear according to or upon the said Summons, the said Trustees,

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Jurors may be challenged

or

or any Five or more of them, or Two or more Justices of the Peace for the West Riding of the said County, shall swear or cause to be sworn, Twelve; and for Default of a sufficient Number of Jurymen, the said Sheriff, his Under Sheriff or Deputy, shall return other honest and disinterested Men of the Standers-by, or that can speedily be procured to attend that Service, so as to make up the Number Twelve; and the said Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whom it shall be thought proper and necessary to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Five or more of the said Trustees, or Two or more Justices of the Peace for the said West Riding, are hereby directed and impowered to administer) and they shall also order and call the said Jury to view the said Places in Question (if there shall be Occasion) and use all such other lawful Ways and Means, as well for their own, as the said Jury's better Information of the Premisses, as they the said Trustees, or any Nine or more of them, shall think fit; and the said Jury shall thereupon inquire what Damages will be sustained by, and what Recompence and Satisfaction ought to be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested for, or on account of the taking or converting the same Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, into the said Roads, or to any other Person or Persons who may be injured thereby; and shall assess and award the Sum or Sums to be paid to every such Person or Persons accordingly; and such Trustees, or any Nine or more of them, shall and may give Judgement for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively, and shall thereupon order the same to be paid to the Owners or Proprietors of, or other Persons interested in the said Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, according to such Verdict or Inquisition; which said Verdict and Inquisition, and the said Judgement, or Determination so had and made, shall, after Tender of the Sum or Sums of Money so assessed and ordered as aforesaid, or the same being left in the Hands of the Clerk of the Peace for the said West Riding, as hereafter mentioned, be final, binding, and conclusive, without any Appeal therefrom, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, Expectancy, or otherwise,

Witnesses may be summoned and examined upon Oath.

The Damage and Recompence to be assessed by a Jury.

Verdict of the Jury to be binding and conclusive.

wise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under what Disabilities soever, Bodies Politick, Corporate, or Collegiate, as well as all other Person or Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons anywise interested in such Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, shall thereby from thenceforth, to all Intents and Purposes, be absolutely divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and the same shall from thenceforth no longer remain or be deemed as private Property, but be converted into, and remain, and be used as Part of the publick Highway or Road for ever.

Trustees may impose a Fine on Sheriff, and Persons summoned, making Default in the Premisses.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, Under Sheriff, or Deputy, Bailiffs, or Agents, making Defaults in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury or Juries, who shall not appear; or appearing, shall refuse to be sworn on the said Jury or Juries; or being sworn, shall refuse or neglect to give his or their Verdict concerning the same, or in any other Manner shall wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act; and upon any Person or Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, in order to be examined, or shall refuse to give Evidence touching the same: And all such Fines shall be levied in such Manner as any Penalty by this Act inflicted is directed to be levied, so as no such Fine exceed the Sum of Five Pounds on any One Person.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, and Satisfaction to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all the Tolls collected and received within the respective Districts of the Road, in relation to which such Lands, Grounds, Houses, Buildings, Lands, Tenements, and Hereditaments, shall be so purchased, and upon the Monies arising and received upon the Credit of such respective Tolls; and shall be paid thereout accordingly, to the Persons respectively intitled thereto: And in case such Person or Persons shall neglect or refuse to accept the same, then the same shall and may be left in the Hands of the Clerk of the Peace for the said West Riding, for the Use of the Persons in-

titled thereto, and to be by him paid, upon Demand, to such Person or Persons, or according to his or their Appointment; and in case after Twenty Days Notice thereof given to such Person or Persons, or left in Writing at the House or Houses of the Tenant or Tenants in Possession of the Premisses, he, she, or they, shall still neglect or refuse to accept the same, it shall and may be lawful for the said Trustees, or any Five or more of them, their Successors, Workmen, and Agents, to take the said Houses, Buildings, Tenements, and Hereditaments, and cause the same to be pulled down, and to convert, make, and lay the Soil thereof, and also the said other Lands and Grounds, into the said Roads; and also to ditch and fence off the same, in such Manner as the said Trustees, or any Five or more of them, shall think fit; and the said Ground or Grounds, Land or Lands, and the Soil of such Houses, Buildings, and Tenements, as shall be pulled down by virtue hereof, and so to be converted and made into the said Roads, shall, to all Intents and Purposes, from thenceforth become and be deemed and taken to be a publick Highway.

Trustees not to act where interested.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, purchasing, or ascertaining the Value of any Lands, Buildings, Tenements, or Hereditaments, where he shall be concerned in Interest.

Trustees may lessen the Tolls, &c.

Provided always, and it is hereby enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at a General Meeting to be called for that Purpose, whereof Fourteen Days publick Notice in Writing, shall be given and fixed upon all the Bars within such District or Division where the Reduction or Augmentation herein after-mentioned, is intended to be made, from time to time, to lessen or reduce all or any of the Tolls hereby granted upon all Carriages having the Fellies of their Wheels of the Gauge of Nine Inches, Cattle and Horses above-mentioned, within such respective Districts,

and raise them again.

and afterwards to raise and augment the same again, so as not to exceed the Sums hereby granted; and the Tolls so lessened and reduced, or augmented again, shall and may be collected and levied in such Manner, and applied for such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied, so as no Demise, Lease, Mortgage, or Security thereof, or any Debt or Sum of Money owing thereon, or upon the Credit thereof, be discharged, vacated, or prejudiced thereby.

And be it enacted, That no Person shall pay Toll more than Once for travelling or passing the same Day with any Waggons, Carts, or other Carriages, Horses, or other Cattle, through all or any of the Turnpikes across or on the Side of the said Roads in any of the respective Districts herein before-mentioned, and shall produce a Note or Ticket that the Toll was paid at any of the Turnpikes in such respective Districts; which Note or Ticket the respective Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis upon the Receipt of the Toll; and if any Person having paid Toll, and having such Note or Ticket as is hereby directed to be given, shall give, offer, or dispose of the same, to any other Person or Persons, or alter the same, in order to avoid the Payment of any of the said Tolls, every such Person giving, offering, disposing, or altering, of such Note or Ticket, and the Person receiving or making use thereof, shall respectively forfeit and pay the Sum of Twenty Shillings. Tolls to be paid but Once a Day.

Provided always, and be it further enacted and declared, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, in every of the said Districts, from time to time, to separate, divide, and apportion, the Tolls hereby granted and made payable in such Districts respectively, into so many Shares and Proportions, and in such Manner, as to such Trustees, or any Nine or more of them, shall seem meet and expedient; and such Parts of the said respective Tolls shall be taken and received at so many of the Turnpikes in such respective Districts, as by such Trustees, or any Nine or more of them, shall be, from time to time, ordered and appointed for that Purpose, and not otherwise. Trustees may apportion the Tolls.

And be it enacted by the Authority aforesaid, That the sole Right and Property of all and every the Turnpikes and Toll-houses erected or to be erected, built, or continued by virtue of this or any former Act, shall be vested in the said Trustees, and they, or any Nine or more of them, are hereby impowered to dispose thereof as they shall think proper. Property of the Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be chosen by virtue of this Act, by Order of the said Trustees, or any Nine or more of them, to make or cause to be made, a Road or Way, through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired or widened, not being the Surveyors may make a temporary Road;

the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Park, or planted Walk, or Avenue to any House, or Piece or Parcel of inclosed Ground, planted or set apart for Trees, to be made use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the other Road is repairing, and until it shall be convenient and safe for Passengers and Carriages to travel along the Road intended to be repaired, and no longer, making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, for the Damages such Owners and Occupiers severally shall or may sustain thereby, as shall be adjudged by the said Trustees, or any Nine or more of them; and in case any Difference shall happen concerning such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their General Quarter Sessions, to be holden for the said West Riding, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of such Grounds.

Justices to determine Differences relating thereto.

Penalty on Persons permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning or occupying any Lands or other Tenements, near to any of the said Turnpikes, shall permit any Person or Persons to pass through any Field, Grounds, Inclosures, or private Way, with any Coach or other Carriage, or Horse or other Cattle; or if any Person or Persons shall pass through any such Fields, Grounds, Inclosures, or private Way, with any such Cattle or Carriages as aforesaid, whereby the Payment of any Toll appointed by this Act shall be avoided; or if any Person or Persons shall unload, or cause to be unloaden, any Goods or other Merchandize; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls; or shall leave, or cause to be left, upon, or near to, any of the said Roads, any Cattle or Carriages as aforesaid; or shall conceal or secrete any Goods, or other Things chargeable with Toll, with such Intent as aforesaid; every Person so offending in any of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

or unloading Goods,

or taking off Horses, &c.

to avoid Payment of the Tolls, &c.

Penalty on haling Timber, &c. otherwise than on Carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, or along, any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones (Mill-stones excepted) otherwise than upon Wheel Carriages, every of such Person or Persons shall, for

for every such Offence, forfeit and pay the Sum of Forty Shillings.

No Toll to be paid for crossing the Road only.

Provided, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected or continued by virtue of this Act, on the Side of any Part of the said Roads, for any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, which shall cross the said Roads only.

Time and Place of Trustees Meeting.

And be it enacted by the Authority aforesaid, That the Trustees of the said several Districts shall meet at the House of Benjamin Johnson, known by the Sign of the White Hart, in Wakefield aforesaid, on the Third Day of June, One thousand seven hundred and fifty seven, and shall respectively then proceed to the Execution of this and the said former Acts, and afterwards respectively adjourn themselves, so as the Meetings of the Trustees, acting for the District between Wakefield and Halifax, shall be held alternately at Wakefield and Halifax, or at some intermediate Place, from thence to be adjourned to such of the said Towns last-mentioned, whose Turn it shall be to have the next Meeting; and, for the other Districts of the said Roads, the said Trustees shall adjourn themselves to such Place and Places in or near the said Roads, lying within the said Districts respectively, as they the said Trustees, or any Two or more of them, shall think proper, as often as it shall be necessary for putting this and the said former Acts in Execution; and if it shall happen that there shall not appear at any Meeting, a sufficient Number of Trustees to act, or to adjourn to another Day, the Clerk to the said Trustees shall by Notice in Writing, to be fixed on all the Turnpikes in their respective Districts, at least Seven Days before, appoint the said Trustees to meet at the House where their last Meeting was so appointed to be held, or at some other convenient House within or near the said Districts respectively, upon that Day Seven-night, or as soon after as conveniently may be; and that all the said Trustees, at all their Meetings, shall defray their own Charges and Expences; and any Two of them shall be a sufficient Number for the Purpose of adjourning only; and that no Adjournment shall be for a longer Time than Six Weeks.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to bear their own Expences.

Trustees to appoint Officers;

And be it enacted by the Authority aforesaid, That the said Trustees, at Meetings held in pursuance of this Act for the said several Districts, or any Nine or more of them, may elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector

or Collectors, of the Tolls arising within the said Districts respectively, and also a Surveyor or Surveyors, to view the Condition of the Roads, and to see that the same be effectually widened and repaired; and, from time to time, in case of Misbehaviour, to remove such Officer or Officers, and to appoint new Ones, in case of Death or such Removal; and, out of the Money arising by virtue of this Act within such Districts respectively, the said Trustees, or any Nine or more of them, shall and may make such Allowances to the said respective Officers, for their Care and Pains, and also to such other Persons who shall have been assisting in and about widening and repairing the said Roads, as to the said Trustees shall seem reasonable; and such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall, at any Meeting of the said Trustees for the said respective Districts, if thereunto required by any Five or more of them, deliver in upon Oath (which Oath any Three or more of the said Trustees are hereby impowered to administer) a true, exact, and perfect Account, in Writing under their respective Hands, of all Monies which he or they, and every of them, shall have received and disbursed by virtue of this Act, on account of his or their respective Offices; and in case the said Surveyors, Receivers, or Collectors, or any of them, shall not make such Account, or shall not pay the Money remaining in his or their Hands unto such such Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing under their Hands, impower to receive the same, that then, and in either of the said Cases, any Two or more of the Justices of the Peace, at any Special Sessions, or other Meeting of them, to be held for the said West Riding, or for the Wapentake or Division in which the said respective Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, shall reside, shall make Inquiry of and concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby required and impowered to administer without Fee or Reward;) and if any Person shall be thereof convicted, such Justices shall commit the Party to the County Gaol, or House of Correction, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded for the same, and paid such Composition; which Composi-

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers not making Account and Payment,

Justices upon Complaint to enquire into the Default;

and commit the Offender,

until he shall compound, or compound with the Trustees.

tion

tion such Trustees, or any Nine or more of them, are hereby impowered to make.

Treasurer to give Security.

Provided always, and be it enacted by the Authority aforesaid, That the Treasurer or Treasurers, Receiver or Receivers, to be appointed as aforesaid, shall, before he or they enter upon the said Office, give such Security for the due Execution thereof, as to the said Trustees, or any Nine or more of them, shall seem meet.

On Death or Removal of Trustees, others to be chosen.

Provided always, and be it enacted, That if any Collector or Collectors shall die, or be incapable of doing his or their Duty, it shall and may be lawful for the Treasurer of each District for the time being, to appoint another Person or Persons to collect such Tolls; and such Person shall continue and be authorized to collect the same, until the Trustees for such District shall, at a Meeting to be held in Manner herein before mentioned, appoint a Collector of such Tolls; and no Collector of the Tolls shall gain a Settlement in any Parish, Township, or Place, by Reason of such Collectorship; any thing herein contained to the contrary notwithstanding.

Collector not to gain a Settlement.

Officers to deliver all Books, &c. to such Persons as shall be appointed by the Trustees to receive the same;

And be it enacted by the Authority aforesaid, That if any Clerk, Treasurer, Surveyor, or other Officer to the said Trustees, shall refuse or neglect to deliver up to such Trustees, or any Three or more of them, within Three Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, it shall be lawful for such Trustees, or any Seven or more of them, by Warrant under their Hands, to commit such Person or Persons to the Common Gaol or House of Correction, kept for the said West Riding, there to remain, without Bail or Mainprize, until he shall deliver, or cause to be delivered, to the said Trustees, or any Three or more of them, or according to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Three or more of them, as they shall think reasonable concerning the same.

or in case of Neglect, &c. to be committed.

No Victualler, &c. capable of being a Trustee.

And be it further enacted by the Authority aforesaid, That all Persons, during the Time they shall sell Ale, Wine, Brandy, or other Spirituous or Fermented Liquors, by Retail, shall be incapable of holding any Place of Trust or Profit under this Act.

Reservation of Rights.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall confirm or prejudice

prejudice the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have, by long Usage, or any other Right, been paid or taken on any Parts of the said Roads.

Surveyors may remove Annoyances, &c.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent any Bars, or other Obstructions, and all Annoyances and Inconveniences, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, laid upon, or running into, along, or out of, any Part of the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Ditches or Watercourses adjoining to the said Roads, and to make the same as deep and large as he or they shall think necessary; and also to lop any Trees, and also to cut or stub up any Branches or Bushes growing on the said Roads, or in the Banks or Hedges adjoining thereto; the Owners or Occupiers of the Premisses, where such Obstructions or Annoyances as aforesaid shall happen to be, or the Persons causing the same, neglecting to remove them; or to open, scour, or cleanse, such Ditches or Watercourses, or to lop such Trees, or to cut or stub up such Branches or Bushes, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said respective Surveyor or Surveyors, or any of them; and that the Charges of removing such Obstructions or Annoyances, and opening, scouring, and cleansing, such Ditches or Watercourses, and lopping such Trees, or cutting or stubbing up such Branches or Bushes as aforesaid, shall, upon Demand, be reimbursed to the said respective Surveyor or Surveyors by such Owners and Occupiers, or Persons causing such Obstructions; and such Charges shall be recovered by Distress and Sale of the Goods and Chattles of such Owner and Occupier, or Person causing such Obstruction, by Warrant under the Hands and Seals of Three or more of the said Trustees: And if, after Removal of any such Bars, Obstructions, or Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted, on his or their Confession, or upon the Oath of One credible Witness, before Three or more of the said Commissioners (which Oath the said Commissioners are hereby impowered to administer) shall, for every such Offence, over and above the Charges of removing such Bars, Obstructions,

scour Ditches,

cut down Trees, &c.

the Owners neglecting to remove the same, after Notice;

Surveyors to be reimbursed the Charges;

and levy the Charge by Distress and Sale.

Penalty of a subsequent Offence.

Obstructions, or Annoyances, forfeit and pay the Sum of Twenty Shillings.

Surveyors may make Causeways,

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, or cause to be made, a Causeway or Causeways for the Use of Foot Passengers, along any Part of the said Roads, in such Manner as they shall see convenient; and to cut and make Drains through any Grounds lying contiguous thereto; and to erect, and keep in Repair, Arches of Brick, Timber, or Stone, over the same; and to divert and turn the said Roads and Highways over any Part of the Moors or Waste Grounds contiguous and adjoining thereto, or through which the said Roads do now pass; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (except such Ground whereon a Dwelling-house standeth) and also to cause Ditches or Trenches to be made, in such Places and Manner as the said Trustees, or any Five or more of them, shall judge necessary for the better making and keeping the said Roads in good Repair; and that such reasonable Satisfaction shall be made to the Owners or Occupiers of such Grounds through which such Drain or Drains shall be cut, or on which any Building (not being a Dwelling-house, Corn-mill, or Fulling-mill) shall stand, or any Arch or Arches, Bridge or Bridges, shall be placed, or from which any Part of such Ground shall be taken, for the Damage which such Owners and Occupiers shall thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions of the Peace, to be holden for the said Riding or Division where such Ground shall lie, in case any Difference shall arise concerning the same.

erect Bridges, &c.

and make Ditches, &c.

making Satisfaction to the Owners of the Grounds.

Surveyors may dig Gravel, &c. in Waste Grounds;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, and such Person or Persons as he or they, or any Five or more of the said Trustees, shall respectively appoint, to dig, at the Distance of Fifteen Yards, or more, from any Mill, Mill-wear, or Dam-stakes, and to gather and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or Waste or Common Grounds, in any Parish, Township, Village, Hamlet, or Place, in or near which any Part of the said Roads do or shall lie, for the making and repairing thereof; and for want of a sufficient Quantity of such Materials there, to dig, and

to gather, and carry away the same, out of any River or Brook, Waste, or Common Ground, of or in any neighbouring Parish, Township, Village, Hamlet, or Place, without paying any thing for such Materials; such Surveyor or Surveyors, from time to time, levelling, or causing to be levelled, or sufficiently fenced off, all the Holes and Pits from which such Materials shall be taken, and which shall be made by digging and getting the same; and may also carry the same Materials through any Field, Meadow, or private Way; making such reasonable Satisfaction to the Owners or Occupiers for the Damage done, as the said Trustees, or any Nine or more of them, shall judge reasonable; or, in case it shall be adjudged necessary by the said Trustees, or any Nine or more of them, it shall and may be lawful for their Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of the said Trustees, or any Nine or more of them, to dig, gather, and take away the same, in and from the Grounds of any Person or Persons (not being the Ground whereon any Dwelling-house stands, nor any Garden, Orchard, Yard, Park, Paddock, Nursery, planted Walk, or Avenue to a House) where any such Materials may be found; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as such Trustees, or any Nine or more of them, shall judge reasonable; and if the Owners of the Soil, or Occupiers of the Grounds, where such Materials shall be dug, got, or gathered, or any other Person or Persons, shall presume to take or carry away any of such Materials, without the Consent of the said Trustees, or any Nine or more of them, such Person or Persons shall forfeit and pay the Sum of Forty Shillings for every Cart Load of Stones, or other Materials, so taken away.

without paying for the same; levelling the Ground;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds,

making Satisfaction to the Owners of the Grounds.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and required, to cause the said Roads to be measured, and such Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark and denote the Distance of any Town or Place to any other Town or Place on the said Roads, as to such Trustees shall seem meet; and if any Person or Persons shall wilfully break, throw down, take away, spoil, deface, or damage any such Post or Stone, or any other Post or Stone, which is, are, or shall be put down for the Preservation or Defence of any Sewer,

Penalty on breaking or defacing Mile-stones, &c.

Sewer, Ditch, Drain, Foot or Horse Causeway, in or adjoining to any of the said Roads, or for the Safety or Information of Travellers, or shall wilfully damage any of the said Toll-houses or Turnpike-bars, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon, over, or astride of any Horse or Foot Causey, in or adjoining to any of the said Roads where the Carriage-way or Road contiguous to such Horse or Foot Causey is sufficiently wide for such Wheel Carriage, every such Offender shall, for every such Offence, forfeit and pay any Sum of Money not exceeding Twenty Shillings; and shall and may, by the Authority of this Act, without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender or Offenders before One or more of the Justices of the Peace for the said West Riding, or Three or more of the said Trustees, to be dealt with according to the Directions of this Act.

Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, for the time being, for all the Parishes, Townships, and Places, in which the said Roads intended to be repaired by this present and the said former Acts do lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand to him or them, in Writing, by the Surveyor or Surveyors, to be appointed by virtue hereof for the several Districts aforesaid, deliver to him or them an exact List or Account, in Writing under his or their Hands, of the Names of all and every Person and Persons in the said respective Parishes, Townships, or Places, who are, by Law, chargeable toward the repairing the Roads in any of the said Townships or Places, and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the Surveyor or Surveyors of the said Parishes, Townships, or Places respectively, shall, within Ten Days after Notice given to him or them by such respective Surveyor or Surveyors, to be chosen by virtue hereof, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work, in or upon any Part or Parts of the said Roads respectively, the said Surveyor or Surveyors of the said Parishes, Townships, or Places, respectively, shall summon or give publick Notice thereof to the said Person or Persons so chargeable as aforesaid; and if any of the Surveyor

Penalty on not delivering in such Lists.

veyor or Surveyors for the said Townships or Places aforesaid, shall neglect or refuse to do and perform his Duty herein, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds;

Penalty on Persons not performing Statute-work.

and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to do and perform his or their respective Statute-work on the said respective Roads, as the Turnpike Surveyor or Surveyors shall direct, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings for each of the Days such Person or Persons shall make Default;

Penalty on Labourers Neglect.

and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform his or their respective Statute-work or Duty on the said respective Roads, as the Turnpike Surveyor or Surveyors shall direct, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the Days such Labourer or other Person or Persons shall make such Default; and if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said respective Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done, in such Case, such Turnpike Surveyor or Surveyors may, and is hereby impowered and required, to remove and discharge him or them, who shall be found idle or negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come to work; and such Labourer or Labourers, and the Owner and Owners of such Team, Draught, or Cart, respectively, shall be subject and liable to the respective Forfeitures and Payments afore-mentioned, in such Manner as if he, she, or they, had neglected or refused to do or perform his, her, or their respective Statute-work, so ordered and appointed, as aforesaid.

Two Days Statute-work only to be done on the Roads, except Justices shall order otherwise.

Provided always, That all and every Person and Persons, now liable, and who, during the Continuance of this Act, shall be liable to do Statute-work on the said respective Roads hereby intended to be repaired, on his or their doing Two Days Work in each Year, in Manner herein before directed and prescribed, in case Two Justices of the Peace for the said Riding shall not require

more

more to be done, by Order, in Writing, under their Hands, shall be, and is and are hereby exempted from doing or performing any more or other Statute-work, than Two Days Work in each Year on the said Roads; any thing herein contained to the contrary notwithstanding.

Persons liable to Statute-work, or to particular Repairs, to perform the same as before the Act they were obliged to do.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to discharge the Inhabitants of the West Riding of the County of York, or of any Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, or Place, in the said Riding, or any Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the Performance of Statute-work upon, or otherwise repairing, amending, or maintaining, of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they, or any of them respectively, have been accustomed, or of Right ought, to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any antient Usage, Custom, Law, or otherwise; but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from time to time, and at all Times hereafter, shall be maintained, amended, and kept in Repair, by the Inhabitants of such Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, or Place, and by such Body Politick, Corporation Aggregate or Sole, or private Person or Persons, as heretofore the same respectively have been, or ought of Right, or by any ancient Usage, Custom, Law, or otherwise, to have been amended, maintained, and kept in Repair; any thing herein contained to the contrary notwithstanding.

Rents and Profits of Lands, &c. appropriated towards particular Repairs, &c. to be paid to, and applied by the Trustees accordingly.

And be it further enacted by the Authority aforesaid, That the Rents, Issues, Profits, Interest, Produce, and Benefit, of all Houses, Lands, Tenements, and Hereditaments, Money, or other Real or Personal Estate, which are or shall be given, left, or appropriated, for or towards the building, making, upholding, or amending, of any Highways, Bridges, Pavements, Causeways, Sewers, or Drains, within the several Districts of the Roads hereby intended to be repaired, and all Arrears thereof, shall, from time to time, and at all Times hereafter be accounted for, and paid to the Trustees of the said respective Districts, or any Three or more of them, to be laid out, in the first Place, in repairing such Highways, Bridges, Pavements, Causeways, Sewers, or Drains, and such Part thereof to which the same are or

shall be particularly appropriated; and afterwards in repairing such Part of the rest of the Roads hereby intended to be repaired, as lie within the District where such Highways, Bridges, Pavements, Causeways, Sewers, or Drains respectively, to which the same were appropriated, shall be, and for such Purposes, and in such Manner as the Tolls arising within such District, are by this Act to be applied and disposed of; and that the Rents, Profits, and Income, of all such Real or Personal Estates as are or shall be given or left for repairing any of the Streets of the said Towns of Wakefield, Halifax or Pontefract, shall be paid and accounted for, and laid out in the Reparation of the said Streets respectively, by such of the said Trustees as do or shall reside in the said Towns respectively, or any Three or more of them, or to such Person or Persons as they, or any Three or more of them, shall, from time to time, nominate and appoint.

The Surplus is to be applied as the Tolls.

Application thereof for repairing the Streets of *Wakefield*, *Halifax*, and *Pontefract*.

And, for preventing Differences between the said Trustees, and the Inhabitants of such Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, or Place, or such Body Politick, Corporation Aggregate or Sole, or private Person or Persons, touching the Time when, and Manner in which such particular Part or Parts of the said Roads, or such Bridges, Drains, or Sewers, ought to be repaired and amended; be it further enacted by the Authority aforesaid, That in case any such Difference shall arise, as aforesaid, it shall and may be lawful to and for any Seven or more of the said Trustees, within their several Districts, at any of their publick Meetings, upon Application to them for that Purpose made, to ascertain, appoint, adjudge, and determine, when, and in what Manner, such particular Part or Parts of the Roads, Bridges, Causeways, Drains, and Sewers, as aforesaid, shall be repaired and amended, by the respective Persons chargeable or liable to perform Statute-work upon, or otherwise to repair, amend, or maintain the same respectively, as aforesaid.

Trustees to determine the Repairs to be done on the Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, within their respective Districts, at any Time during the Continuance of this Act, at any of their publick Meetings, to compound and agree with any Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons, liable to perform

Trustees may compound with Bodies Politick, &c. for a certain Sum, in lieu of Repairs, &c.

perform Statute-work, or chargeable with the Repair or Maintenance of any Part of the said Roads, or of any Bridge, Causeway, Drain, or Sewer, lying within any of the said Roads to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or any ancient Usage, Custom, Law, or otherwise, or with the Surveyor or Surveyors of the Highways of any of the Parishes, Townships, or Places, to which the said Roads belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or to perform Statute-work thereon, by virtue of any Statute, or otherwise, for a Sum of Money certain, to be paid quarterly, or otherwise, in lieu of such Works or Repairs to which they shall be liable or chargeable, by reason of such their Tenure, or by virtue of any Custom, ancient Usage, Law, or otherwise howsoever; and that all Compositions and Agreements to be made by virtue of this Act, shall be entered at Length in a Book or Books to be kept by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, for entering their Orders, and other Proceedings; all which Composition-monies shall be paid at the Time of such Agreements being entered into.

Compositions to be entered in a Book.

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Surveyor or Supervisor of the Highways, or Overseer of the Poor of any such Parish, Township, Hamlet, or Place, for and in respect whereof such Composition shall be made as aforesaid, shall pay the Composition-money, such Surveyor, Supervisor, or Overseer respectively, shall be reimbursed the Composition-money so paid by him, as aforesaid, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways.

Surveyors how to be reimbursed the Composition-money.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, touching which no other Provision is herein made and directed, shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offenders, by Warrant or Warrants under the Hand and Seal of One or more Justice or Justices of the Peace for the West Riding of Yorkshire, or under the Hands and Seals of Three or more of the said Trustees; and which Warrant or Warrants they are hereby impowered and required to issue, upon the Conviction of the Offender

Penalties and Forfeitures when recovered, how to be applied.

Offender by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices, or the said Trustees, or any Three or more of them, is and are hereby impowered and required to administer) or upon the Confession of such Offender or Offenders; and the Penalties and Forfeitures, when recovered, shall go and be applied (if not otherwise directed to be applied by this Act) in repairing the respective Road or Roads, for or in relation to which, or upon account whereof, the respective Offence shall be committed; and the Overplus (if any) shall be, upon Demand, returned to the Party or Parties whose Goods and Chattles shall have been so distrained and sold, the reasonable Charges of such Distress and Sale, to be settled and allowed by such Justice or Justices, or by the said Trustees, or any Three or more of them, being first deducted: And in case any such Penalty or Forfeiture shall not be paid, and no sufficient Distress shall be found whereon to levy the same, with such reasonable Charges as aforesaid, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said West Riding, or any Three or more of the said Trustees, and he and they are hereby authorized and required by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said West Riding, there to remain without Bail or Mainprize, for any Time not exceeding the Space of One Month, unless such Penalty or Forfeiture, and all reasonable Charges (to be settled as aforesaid) occasioned by such Conviction, and the Execution of such Warrant or Warrants, shall be sooner paid; and upon Payment thereof, such Offender or Offenders shall be discharged from such Imprisonment, on account of such Penalty or Penalties, Forfeitures and Charges.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and it is hereby further enacted by the Authority aforesaid, That in case any Person or Persons shall think him or themselves aggrieved by any thing to be done in pursuance of this Act (except where any Matter to be done by virtue of this Act, is directed to be final) it shall and may be lawful to and for such Person and Persons to appeal to the Justices of the Peace of the said West Riding, at their General Quarter Sessions which shall be held next after such Grievance (unless such Grievance shall happen within Fourteen Days preceding such next General Quarter Sessions; in which Case such Appeal shall be brought at the Second General Quarter Sessions next after the same shall have happened) who

who are hereby authorized and required to hear and determine the same; and if they see Cause, by Order of such Sessions, to mitigate, at their Discretion, all or any of the Penalties aforesaid; or vacate, or set aside, the said Conviction or Convictions (but not for want of Form only) and set the Parties at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes whatsoever; and such Conviction, Order of Sessions, or other Proceedings to which the same shall relate, shall not be removeable by Certiorari, or otherwise, into any of his Majesty's Courts of Record at Westminster; but such Persons so appealing, shall give Notice in Writing, of such his or her Intention, to the Clerk to the said Trustees in that District where such Conviction shall have been made, Ten Days at least before the said Quarter Sessions; and shall, within Five Days after such Notice given, and before any Appeal shall be allowed, enter into a Recognizance before some Justice of the Peace for the said Riding, in Twenty Pounds, with Two sufficient Sureties, in Ten Pounds each, conditioned to try such Appeal at the next General Quarter Sessions to be held for the said Riding, next after such Notice; and to pay such Costs and Charges as the said Justices shall award, in case such Appeal shall be disallowed.

Proceedings not removeable by *Certiorari*.

Notice of Appeal to be given,

and Recognizance to be entered into.

And be it further enacted by the Authority aforesaid, That when, and as often, as any of the said Trustees shall die, refuse to act, or be disqualified, it shall and may be lawful for the remaining Trustees, or any Nine or more of them, by Writing under their Hands, from time to time, to elect and appoint One or more fit and able Person or Persons, living within the said County of York, instead of such Trustee or Trustees so deceased, or refusing to act, or being disqualified; and all and every such Person and Persons so elected, is and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named in and appointed a Trustee or Trustees, by virtue of the former Acts, or this present Act; but Notice in Writing, of the Time and Place of such Election, signed by the Clerk, shall be affixed on all the Turnpikes, Ten Days at least before such Election.

On Death, &c. of Trustees, others to be chosen.

10 Days Notice to be given of such Meeting.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person shall be capable of acting

Qualification of Trustees.

ing as a Trustee, in any Case in the Execution of this Act, unless at the Time of acting therein, he shall have, or be seised of, in his own Right, or in the Right of his Wife, and in the actual Possession and Enjoyment, or Receipt, of the Rents, Issues, and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of One hundred Pounds, above Reprizes; or possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Three thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Land, of the yearly Value of Three hundred Pounds, above Reprizes: And if any Person or Persons hereby disqualified, or declared to be incapable to act in the Trust aforesaid, shall in any wise act as a Trustee in the Execution of this present Act, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to be recovered by any Person who shall sue for the same, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety applied in such Manner as the Tolls granted and made payable by this Act, in such respective Districts, are directed to be applied and disposed of.

Penalty on Persons acting, if not duly qualified.

Provided always, and be it enacted, That no Trustee shall have or enjoy any Place of Profit, arising out of, or by reason of the Tolls hereby granted; and every Person having or enjoying such Place of Profit, shall be incapable of acting as a Trustee, during his Enjoyment thereof.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That such of the Trustees herein before named and appointed, as are or shall be in the Commission of the Peace for the County of York, or any Riding therein, shall and may nevertheless act as Justices of the Peace, within his and their respective Jurisdictions, for putting in Execution the several Powers and Authorities hereby granted.

Trustees who are in the Commission of the Peace, may act as Justices.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, or any Three or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities, of this present Act, or the said former Acts, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of such

No Turnpike to be removed but by Order of the Trustees.

Trustees, unless Notice for that Purpose, by the Direction of such Trustees, or any Five or more of them, signed by their Clerk, be affixed upon all the Turnpike-gates, then erected or continued by virtue of this Act, in the said District wherein such Turnpike-bar shall be, at least Ten Days before the repealing such Order; and unless such subsequent Order shall be signed by Nine of the said Trustees at least.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, within their several Districts or Divisions, shall be entered in a Book or Books to be kept for that Purpose, signed by the Commissioners present at such respective Meetings, or such a Number of them as the Case and Business transacted at such Meetings respectively shall require; which said Book and Books shall and may be produced, and read in Evidence, in all Cases of Appeals, or in any Suit or Action touching any thing done in pursuance of this Act.

which may be produced and read in Evidence on Appeals.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Oath, or Affidavit, or any of the said Acknowledgements herein before mentioned, or any other Instrument or Writing, under the Hands, or under the Hands and Seals, of the said Trustees, or any of them, concerning or relating to the Execution of the Trusts and Powers of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the Tolls, Duties, and Powers hereby granted and given, shall take Place from and after the First Day of June, One thousand seven hundred and fifty seven; and that all the said Tolls and Duties, hereby granted, shall remain, continue, and be paid, from the said First Day of June, for and during the Residue and Remainder of the several Terms granted by the said several Acts of Parliament herein before mentioned, and which are yet to come; and from and immediately after the Expiration and Determination thereof, then for and during the several further Terms of Five Years, and Five Years, from thence respectively next ensuing, pursuant to, and according to, the Tenor of an Act made and passed in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more*

more effectual Execution of the Laws relating thereto; and from and after the End and Expiration of the said several additional Terms of Five Years, and Five Years respectively, then for and during the farther several Terms of Twenty one Years, and Twenty one Years, from thence respectively ensuing, and from thence to the End of the then next Session of Parliament.

If the Road shall be sufficiently amended before the Expiration of the Term granted by this Act, and Debts paid, Tolls, &c. to cease.

Provided nevertheless, That if at any Time before the Expiration of the said several Terms hereby granted, the Roads directed to be repaired within the several Districts and Divisions aforesaid, or any of them, shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace of the said West Riding, at their General Quarter Sessions, to be holden for the said Riding next after Easter, that then, and from and after such Adjudication made, and Repayment of all such Monies as are and shall have been borrowed on the Credit of the said Tolls and Duties arising within such Districts respectively, by virtue of or under the Authority of the said former Acts, or this present Act, with Interest for the same, and all other Costs and Charges of obtaining and putting this Act in Execution, the said Tolls and Duties, and all other Powers hereby granted and given, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Distress not to be deemed unlawful for Want of Form,

And be it enacted by the Authority aforesaid, That where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same deemed a Trespasser or Trespassers, upon account of any Defect, or Want of Form, in the Warrant for such Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or other Officers; nor shall the Party or Parties so distraining, be deemed a Trespasser or Trespassers ab initio, upon account of any Irregularity which shall or may happen to be afterwards done by him or them, in making such Distress; but the Party or Parties aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damages which he, she, or they shall have sustained thereby, and no more, in any Action of Trespass, or upon the Case, at the Election of the Party or Parties so aggrieved.

nor shall the Party distraining be deemed a Trespasser.

If the Plaintiff recover, to have Full Costs.

Provided always, That where the Plaintiff or Plaintiffs shall recover in such Action, he, she, or they shall be paid his, her, or their Full Costs of Suit, and have all the like Remedies for the same as in other Cases of Costs; but no Plaintiff shall recover in any Action for any Irregularity

gularity as aforesaid, unless Twenty eight Days Notice shall have been given thereof to the Clerk to the said Trustees for that District, within which the Cause of such Action shall be supposed to have arisen before the bringing any Action; nor if Tender of good and sufficient Amends shall have been made by, or on the Behalf of, the Defendant or Defendants, Three Days before such Action was brought, or after the said Action shall have been brought, and before the Trial thereof, together with the Costs of Suit to the Time of such last mentioned Tender.

Plaintiff not to recover, if Tender of Amends shall be made.

And be it further enacted by the Authority aforesaid, That all the Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, given, granted, ordered, appointed, prescribed, inserted, and contained, in and by the said Two first mentioned Acts, or either of them respectively, which are now in Force (other than so far forth as the same, or any of them respectively, are varied, altered, explained, rendered unnecessary, or otherwise provided for, by the Force and Effect of this present Act) shall be exercised, practised, used, enforced, and put in Execution for the Purposes of this Act, in as full, extensive, and beneficial Manner, as if the said Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, were particularly expressed, and again enacted, in the Body of this present Act.

Powers, Penalties, &c. in the former Act, to be enforced for the Purposes of this Act.

And it is hereby further enacted and declared, That if any Action or Suit shall be commenced and prosecuted against any Person or Persons, for any Thing done in pursuance of this Act, that in every such Case, the Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid in the said County of York, and not elsewhere; and the Defendant and Defendants shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of, and by virtue of, this Act; and if it shall appear so to have been done, or that such Action or Suit was brought after the Time limited, or in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given

Limitation of Actions.

General Issue.

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against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever. Publick Act.

FINIS.