Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing the Road from *Wakefield* to *Austerlands*, in the West Riding of the County of *York*.



WHEREAS the Road leading from the Town of Wakefield, in the West Riding of the County of York, through the Towns of Horbury, Netherton, Overton, Lepton, Almonbury, Huddersfield, Marsden, and Saddleworth, to Austerlands, in the said County, being situated in a Trading and Populous Part of the same Country, and much used and frequented for the Carriage and Conveyance of Goods, Wares, Merchandize, Commodities, and Provisions, made, manufactured, and consumed, in that Country, and so necessary to be made passable, and kept in Repair, for the preserving and encouraging the Trade and Commerce thereof, is, from the Narrowness and Steepness thereof in many Places, and the Nature of the Soil, become so deep and ruinous, that in Winter and Wet Seasons, the same is almost impassable for Wheel Carriages, dangerous for Travellers to pass through, and cannot by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom, be effectually amended, widened, and Preamble.

kept in Repair; therefore to the Intent that the said Road may with all convenient Speed be effectually repaired, amended, enlarged, and made passable, and hereafter kept in good and sufficient Repair: May it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Henry Pleydell Dawney, Lord Viscount Downe in the Kingdom of Ireland; the Right Honourable William Viscount Galway in the Kingdom of Ireland; the Right Honourable John Savile, Lord Pollington in the Kingdom of Ireland; the Honourable George Cary, Sir William Lowther, Sir William Milner, Sir Henry Ibbotson, Sir Lionel Pilkington, Sir George Dalston, Sir John Lister Kaye, Sir John Ramsden, Sir George Savile, Sir Charles Sheffield, Sir William Wentworth, Sir Rowland Wynn, Sir George Armitage, Baronets; Anthony Armitage, John Armitage, Joseph Armitage, Bryan Allot, Robert Allot, Robert Allerson, John Brooke, John Brooke junior, Peter Birt, Richard Beaumont, Thomas Beaumont, Samuel Burroughs, Godfrey Bosvill, Thomas Beaumont, Richard Burton, Thomas Bowman, Arthur Burton, Richard Buxton, Thomas Beatson, William Beatson, William Beatson of Hollingthorpe, James Banks, William Brown, Richard Booth, Ebenezer Buxton, Jeremiah Barstow, Daniel Battye, John Battye, Joseph Bradley, Musgrave Briscoe, Edmund Bothamley, Richard Cotton, George Cotton, John Cookson, Thomas Cotton, William Charnock, George Charnock, Egerton Cutler, Thomas Clapham, Robert Cheetham, John Crossland, Henry Woolhouse Disney, William Denton, Robert Deigleton, Henry Empsall, Ralph Empsall, Edward Empsall, Francis Edmonds, Richard Ellison, James Farrer, Ayscough Fawks, Francis Fawks, Francis Fawks junior, Benjamin Ferrand, Thomas Foljamb, William Fenton, William Fenton junior, Richard Fenton, Samuel Fenton, Abraham Firth, Abraham Firth junior, George Fisher, Thomas Green, George Greaves, Harpham Green, Richard Green, Thomas Gill, Richard Grice, Henry Grice, Thomas Hirst, John Hirst, John Hatfield, John Hatfield junior, Robert Harper, Samuel Harper, Robert Harper junior, Samuel Harper Clerk, Richard Haye, Walter Hawkesworth, Henry Hitch, John Hawkesworth, Alexander Hatfield, Westbye Hatfield, William Horsefall, William Hague, Samuel Hague, John Haigh, John Hirst Clerk, John Hegingbottom Clerk, James Haigh, John Haigh, Tho-

Trustees Names.

mas Haigh, John Haigh of Hirst, Joshua Horton, Samuel Hill, John Haigh of Hightown, Charles Ingram, William Ingram, Walter Jodrel, Allan Johnson, John Kaye, Richard Kaye, George Lane, Robert Lane, William Lowther Clerk, Edwin Lascells, Daniel Lascelles, Henry Lascelles, George Lumley, John Lumb, John Lumb junior, Richard Lumb, Robert Lumb, Joseph Lawson, Thomas Maude, Thomas Maude junior, William Maude, James Maude, William Marsden junior, John Milnes, John Milnes, James Millnes, Robert Milnes, Pemberton Milnes, Shore Milnes, Daniel Maude, Daniel Maude junior, Francis Maude, Francis Maude of Lotherton, Luke Marsden, Marsden Clerk, Richard Matthewman, James Nelthorpe, Jeremiah Naylor, William Naylor, Fletcher Norton, Francis Norton, William Nevison, Thomas Norton, Thomas Norton junior, Edward Oates, Thomas Oates, Harrison Pilkington, John Pilkington, Michael Pilkington, Metcalf Proctor, Thomas Pulleyn, Edward Prince, William Priestly, William Priestly junior, Thomas Parker, John Roebuck, William Radcliffe, Aymor Rich, Timothy Reverley, Charles Radcliffe, William Rhodes, Jeremiah Ridsdale, Charles Radcliffe, John Radcliffe, John Radsdall, John Radcliff, Edward Resleton Clerk, Abraham Radcliff, John Spencer, John Smyth, Thomas Smyth, Thomas Smyth Clerk, John Scott, Henry Scott, George Shillito, John Scott Clerk, John Silvester Smyth, John Stanhope, Robert Steer, Charles Steer, Michael Stocks, William Serjeantson, Henry Shaw, William Shaw, Timothy Scholefield, John Scholefield, Thomas Thornton, Thomas Thornhill, George Thornhill, William Thompson, Nicholas Torr, James Torr, Richard Tenant, Richard Towne, William Todde, Richard Wilson, Richard Wilson junior, Thomas Wilson, Edmund Winn, Rowland Winn, Joshua Wilson, Joshua Wilson junior, Thomas Winn, Walter Wade, Thomas Wentworth, Peregrine Wentworth, Francis Wood, Godfrey Wentworth, Benjamin Wilson Clerk, Thomas Wilson Clerk, James Wilkinson Clerk, Henry Wickham Clerk, Andrew Wilkinson, Charles Wilkinson, William Webster, John Webster Clerk, John Waugh, Joseph Willes, John West, Jonathan West, Richard West, Francis Wheatley, Joseph Woollin, Charles Waterton, John Whitacre junior, John Woodhead, Abraham Woodhead, William Wilcock, Joseph Walker, William Walker, Thomas Walker, Henry Zouch Clerk, Samuel Zouch, Henry Zouch, Richard Zouch, John Buxton, John Dyson, Robert Deighton, James Garside, Francis Maude junior, John Favell, Richard Richardson, Edward Wortley, John Webster, Robert Fretwell, Gyles Rickaby, John Holdsworth, Joseph Stocks, shall be, and they are hereby

hereby appointed Trustees, for surveying, ordering, enlarging, amending, and repairing the said Road, and keeping the same in Repair, and for putting all and every the Powers and Authorities, hereby given, granted, and provided, in Execution.

Trustees may erect Turnpikes and Toll-houses,

And it is hereby further enacted and declared, 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 authorize or appoint, shall and may, and they are hereby authorized and impowered, to erect and set up, or cause to be erected and set up, such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, cross, or on the Side of any Part of the said Road so intended to be repaired; and also shall and may demand and take, before any Horse, Beast, Cattle, or Carriage, whatsoever, made chargeable with, and liable to, any Toll or Duty, by virtue of this Act, shall be permitted to pass through such Turnpikes or Toll-gates, the several Tolls and Duties herein after-mentioned; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, or Calash, drawn by Six or more Horses, Mules, or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, Mules, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three or Two Horses, Mules, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by One Horse, Mule, or Beast of Draught, the Sum of One Shilling.

For every Waggon, Wain, Cart, or other Carriage, drawn by more than Six Horses, Oxen, or Beasts of Draught, the Sum of Three Shillings; and drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Eight Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Four Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Pence.

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

For

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

And be it further enacted, That the several Tolls and Duties hereby granted and made payable, shall and may be demanded and taken in the Name of, and as a Toll or Duty; and the Money so to be raised as aforesaid, shall be, and is hereby vested in the said Trustees, and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned, ordered, provided, and directed. Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be, and are hereby vested in the said Trustees; and they, or any Nine or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Names of any Nine or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof respectively. Property of the Turnpikes, &c. vested in the Trustees.

Provided always, and be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted and made payable, into such and so many Shares and Proportions, to be collected and received at such and so many of the said Turnpikes or Toll-gates, as to the said Trustees, or any Nine or more of them, shall seem requisite and expedient. Trustees may apportion the Tolls.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees for the time being, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons, who shall, after Demand thereof, neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon, or on account, or in respect of, Tolls may be levied by Distress and Sale.

which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chatties of such Person or Persons who ought to pay the same, and to keep and detain the same until such Tolls or Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and the reasonable Charges for distraining and keeping the same, shall be deducted and paid.

Distress may be sold after 5 Days.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Money arising from the Tolls and Duties granted and made payable, and which shall be raised and collected by virtue and in pursuance of this Act, or that shall be borrowed on the Credit thereof respectively, shall by the said Trustees hereby nominated or appointed, and their Successors, or any Seven or more of them, be applied and disposed of in the First Place for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act, and then for the erecting such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, as the Trustees for the time being, or any Nine or more of them, shall think proper to set up, in pursuance of this Act, and afterwards, and subject thereto, for the amending, repairing, and widening, the said Roads and keeping the same in Repair.

Penalty on Persons permitting private Passage;

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands near unto any Turnpike to be erected in pursuance of this Act, shall wittingly permit or suffer any Person or Persons whatsoever, to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Waggon, Cart, or other Wheel Carriage, or riding or driving any Horse, Mare, Mule, Ass, or any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall or may be avoided, every Person so permitting, and also the Person so going through to avoid paying as aforesaid, and being thereof convicted upon Oath, before the said Trustees, or any Five or more of them, which Oath any One or more of the said Trustees is and are hereby impowered to administer, or before One or more Justice or Justices of the Peace for the West Riding of the County of York, shall respectively forfeit and pay to

the

the Trustees authorized to put this Act in Execution, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or such Justice or Justices; and the Person or Persons making such Distress, shall render the Overplus, if any be, of the Money arising by such Sale, which shall remain after the Payment of the said Penalty, and the Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by the said Justice or Justices, are deducted unto the Owner or Owners of the Goods so distrained and sold.

Reservation of Right.

Provided always, and it is hereby enacted and declared, That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have by long Usage been had, and lawfully taken, upon any Part of the said Road.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side of the Highway or Road hereby intended to be repaired, or cross any Way or Lane leading out of the said Road, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby made payable, as aforesaid; and there to receive and take such Toll or Tolls, as is or are by virtue of this Act to be taken at any of the Turnpikes to be erected in pursuance thereof, so as the same do not increase the Toll or Tolls herein before directed to be levied and paid.

and take Tolls thereat, &c.

Trustees not to repair Pavements.

Provided also, That nothing in this Act contained shall authorize and impower the Trustees herein before nominated and appointed, and their Successors, or any of them, to repair or amend any of the Streets of the Towns of Wakefield or Huddersfield, or any Part thereof respectively.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons having paid the Toll or Duty made payable by this Act, at the First Gate or Turnpike through which such Person or Persons shall pass, producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls

and Duties granted by this Act, is and are hereby required to give gratis) shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpikes, erected in any other Part of the said Road, so as such Person or Persons deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the same Toll or Duty, at such other Gate or Turnpike, on the same Day, or before Twelve of the Clock in the Night of that Day; and that no Person or Persons who shall have Occasion to pass through any of the Toll-gates or Turnpikes erected in pursuance of this Act, with any Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Hearse, Chair, Chaise Marine, Waggon, Wain, Cart, Carriage, Horse, Mule, or other Cattle, having paid the Toll and Duty appointed by this Act to be taken, and who shall return, pass, or repass, on the same Day, through the same Toll-gate or Turnpike erected in pursuance of this Act, with the same Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Hearse, Chair, Chaise Marine, Waggon, Wain, Cart, Carriage, Horse, Mule, or other Cattle, shall be liable and compellable on the same Day to pay the Toll or Duty more than Once at the same Toll-gates or Turnpikes on the said Road.

Penalty on disposing of Tickets to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in the said Tolls or Duties; be it enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act granted and made payable, and having a Note or Ticket, Notes or Tickets, signifying, denoting, or implying, the Payment of such Toll or Duty, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person, giving, disposing, or offering, and the Person receiving such Note or Ticket, Notes or Tickets, and being thereof convicted upon Oath before the said Trustees, or any Five or more of them (which Oath any One or more of the said Trustees is and are hereby impowered to administer) or before any One or more Justice or Justices of the Peace for the said Riding respectively, shall forfeit and pay the Sum of Twenty Shillings; to be levied, recovered, and disposed of, as any other Penalty and Forfeiture is directed to be levied, and recovered, and disposed of, by this Act.

No Toll on Election Days.

Provided also, and it is hereby enacted and declared, That during the Continuance of this Act, no Tolls shall be taken for Coaches, Chariots, Curricles, Chaises, Chairs, and Passengers on Horse-back, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of York,

on

on the Day or Days of such Election, or on the Day next before, and next after such Elections; any thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Tolls.

Provided always, and it is hereby enacted and declared, That no Person who shall pass through any Turnpike to be erected in pursuance of this Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, or Mule, laden with, carrying, drawing, or empty, and going for, or returning, having been laden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships in which the said Road doth lie; nor shall any Person be chargeable with the said Tolls or Duties for any Carts, Wains, Waggons, or other Carriages, laden with, or empty, and going for, or returning empty, having been, on the same Day, laden with, Hay, or Corn in the Straw only; or for any Ploughs, Harrows, or Implements of Husbandry, Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring and improving of Lands; or for any Horse, or other Cattle, or Carriage, going or passing, or returning, from any Corn Mill laden with any Corn, Grain, Malt, or Flour, ground, or to be ground, for the Use or Consumption of the Owners, in his or her Dwelling-house, and not for Sale, or returning unladen, after having carried any such Corn, Grain, or Malt, to any Mill for the Purposes aforesaid; nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the said several Townships in which the said Road, or any Part thereof, doth lie, who shall pass through any of the same Turnpikes or Cross-gates to or from their proper Parish, or Parochial Church, Chapel, or other Place of Religious Worship they usually resort to on Sundays; or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; nor for any Horse, or Cattle, going to or from Water or Pasture; or Post-horse conveying the Mail or Packet; nor shall any Duty be demanded or taken for the Horses of Soldiers passing that are upon their March; or for Waggons, Wains, Carts, and Carriages attending them; or for Horses, Carts, or Carriages travelling with Vagrants sent by Passes, or returning after having been so employed.

Penalty on making illegal Claims.

And it is hereby further enacted and declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such

Person

Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

No Toll to be taken for crossing the Road only.

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

And be it further enacted by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given to any Person or Persons whatsoever, for and towards the repairing and amending the said Road, or any Part thereof respectively, shall pay and apply such of the Rents, Issues, and Profits of the said Messuages, Lands, and Tenements, of the said Rents and Annuities, so given for repairing the same, to the said Trustees, or any Five or more of them, or their Treasurer for the time being, to be by them laid out and expended in repairing such Part of the said Road for which the same were originally given; and to that end the said Trustees, or any Five or more of them, are, or their Treasurer for the time being is, hereby impowered to accept and receive, of and from such Grantees, Trustees, Feoffees, or Committees, such Rents, and Profits, and Money, as aforesaid, and to give Receipts and Acquittances for the same.

Persons chargeable to the Repairs of the Highways, to continue so.

And it is hereby also enacted and declared, That all and every Person and Persons by Law chargeable towards repairing or amending the Highway or Road hereby intended to be repaired, shall still remain chargeable, and do their respective Statute-work in the said Parishes in which the said Highway or Road doth lie, as before the passing of this Act he, she, or they, ought to have done, except so far forth as it is in and by this Act otherwise directed and provided.

Parish Surveyors to deliver in Lists of Persons who are chargeable with Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, of and for the several Townships in which any Part of the Road intended to be repaired by this Act doth lie, shall yearly and every Year, during the Continuance of this Act, within Seven Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors, to be appointed by virtue and in pursuance of this Act, give in, and deliver to, such Turnpike Surveyor or Surveyors, an exact List or Account in Writing under his or their Hands or Hand, of the

Christian and Surname of all and every Person and Persons in the respective Townships and Places, who are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise, and the Number of Days Work which each Person ought to do on the said Road, in their several Townships respectively, Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times and in such Manner, and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall, from time to time, direct or appoint, 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 Highways, in such Township for the time being respectively, within Five Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid, he would have to do such their respective Statute or Days Work, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors, for the said Towns or Places aforesaid, shall neglect or refuse to do as they are hereby directed and required, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught, as he, she, or they, respectively, employ, with One Person to attend the same, to do and perform such their respective Days Work on the said Road, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings, for every Day whereon any such Team, Draught, or Cart, shall make such Default, as aforesaid; and if any Labourer, or other Person or Persons so chargeable towards repairing the said Road, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Road, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence, for each of the said Days such Labourer or other Person or Persons shall make Default; And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer,

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

or be sent with any Team, Draught, or Cart, to work on the said Road, are found idle or negligent by the said Turnpike Surveyor or Surveyors, respectively, where the Work is to be done, in such Case, the same Surveyor or Surveyors may, and is and are hereby impowered and required to turn him or them off, who shall be found idle or negligent as aforesaid; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work, so ordered and appointed as aforesaid.

Persons doing Statute-work according to this Act, exempted.

Provided always, That all and every Person and Persons now liable, or who during the Continuance of this Act, shall be liable to do Statute-work on the said Road, on his and their doing and performing Statute-work, in Manner herein before directed and prescribed, shall be, and is and are hereby exempted from doing and performing any more or other Statute-work, in each Year on the said Road; any thing contained herein to the contrary notwithstanding.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, appointed or to be appointed by virtue of this Act, or any Seven or more of them, from time to time, during the Continuance of this Act, at any publick Meeting, to compound or agree by the Year or otherwise, with any of the Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to, or chargeable with, the Repair of any Part of the said Road, for any Sum or Sums of Money to be paid quarterly, or otherwise, in lieu of the Statute or other Work to be done by such Townships or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

Trustees may appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees, at their First or any subsequent Meeting, or any Seven or more of them, shall and may, by Writing under their Hands and Seals, elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more Person or Persons, to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall be due and payable by virtue of this Act, and take such Se-

curity for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also shall and may appoint One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, to view the Condition thereof, and to see that the same be repaired and amended, and the Money to be raised by this Act duly applied; and also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion, and shall and may appoint new Ones in case of Death or such Removal; and such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same after the Rates aforesaid to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and the Treasurer and Treasurers, and all other Person or Persons so appointed as aforesaid to receive the said Tolls or Duties, and also such Surveyor or Surveyors as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said West Riding (which Oath such Trustees, or any One or more of them, or such Justice or Justices is and are hereby impowered to administer) on the First Monday in every Month, or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every or any of them respectively shall, to such Time, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices; for which Oath no Fee or Reward shall be taken: And in case any Money so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the same Trustees respectively, or any Seven or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, and shall be laid out and disbursed in amending the said Highway or Road, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers, so appointed, for and in Consideration

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Highway or Road to be amended and repaired, by advancing or laying out any Monies, or otherwise relating thereto, as to them shall seem proper and reasonable; and in case the said Treasurers, Receivers, Collectors, or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, then the said Justices of the Peace, at any Special or other Sessions to be held for the said Riding, shall make Enquiry 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 Witness or Witnesses, upon Oath; which Oath they are hereby impowered and required to administer without Fee or Reward; and if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County of York, 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 and agreed with such Trustees, and paid such Composition to their Treasurer for the time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby authorized and impowered to make.

Officers refusing to account;

Justices to enquire into the Default,

and may commit the Offender to Gaol,

until he shall deliver up his Accounts, &c.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or to be appointed to put this Act in Execution, shall be capable of holding any Office to be made or erected by virtue of this Act.

Victuallers, &c. not to have a Place of Profit.

And it is hereby further enacted, That it shall and may be lawful to and for the respective Surveyor or Surveyors to be appointed in pursuance of this Act, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, or such Part of any River or Brook as are not within Thirty Yards Distance from the Foot of any Mill-dam, or Weir, of or in any Parish, Town, Village, or Hamlet, in or near which the said Road, or some Part thereof, doth lie, proper and convenient for repairing the said Road, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons

Surveyors may take Gravel, &c. from Waste Grounds, &c.

without paying for the same;

Persons through whose Land such Materials shall be led and carried, for the Damages done and occasioned thereby to the said Lands, and levelling, and filling up, or fencing about the Holes and Pits made by getting such Gravel, Stones, or other Materials, and also making such Satisfaction for any other Special Damage to be occasioned by such digging, carrying, and leading, as the said Trustees, or any Seven or more of them, shall judge and deem fit and reasonable; and where there is not a Sufficiency of such Materials in any Common or Waste Grounds, Rivers or Brooks near adjoining, it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden or Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) where any such Materials are or may be found, and, from time to time, to carry away such and so much thereof, as the said Surveyor or Surveyors shall judge necessary for the repairing and amending the said Highway or Road, paying such Rate for such Materials to the Owners or Occupiers of the Ground from whence, or through, over, or near which, the same shall be dug, gathered, and carried away, and also for making such Satisfaction for any other Special Damage to be occasioned by such digging, gathering, or carrying, as the said Trustees, or any Seven or more of them, shall judge reasonable; and in case of any Difference between such Owners or Occupiers, and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace at their General Quarter Sessions to be holden in and for the said West Riding, may and shall adjudge, assess, and finally determine the same.

levelling the Pits.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, according to the Directions of this Act, or any other Person or Persons, shall at any Time during the Continuance of this Act, lead, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors or any Person or Persons by him appointed, have gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed,

Owner, &c. taking away Gravel, &c. dug by Order of the Surveyor,

shall have made or opened, for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days, every Person and Persons so offending, and being thereof convicted by Confession of the Party, or Oath of One credible Witness, before Five or more of the Trustees, which Oath any One or more of the said Trustees is and are hereby impowered and required to administer, or before One or more Justice or Justices of the Peace for the said Riding, shall, for every such Offence, forfeit and pay unto the said Trustees, any Sum not exceeding the Sum of Five Pounds.

forfeits 5 *l.*

except for his own private Use.

Provided always, That the Owner or Occupier of such private Ground, shall and may, for his own private Use, dig and carry away any Gravel, Sand, Stones, or other Materials, so dug by him, out of any such Pit; any thing herein contained to the contrary notwithstanding.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And it is hereby further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, and along, any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones (other than and except Mill-stones) otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of of Forty Shillings.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament, for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of the said Road, and whether (as such Trustees, and those acting under them, do not actually sustain any Special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts: For obviating the same; be it enacted by the Authority aforesaid, and it is hereby declared, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the Trustees hereby appointed, or hereafter to be appointed, or any Seven or more of them, respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workmen or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite

All Contracts made by the Trustees, &c. deemed valid, &c.

requisite for putting the said Road into such Condition and Repair, as by the said Contract the said Parties ought to have done, shall be the Measure of the Damages, to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they respectively shall from time to time appoint, and they are hereby respectively authorized and impowered to remove and prevent Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into the said Highway, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourse or Ditch, adjoining to the said Road; and to cut down, lop or top, any Trees (except Timber Trees) Shrubs, or Bushes, growing in the said Highway, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in Case the Owners or Occupiers shall neglect to cut down and remove such Trees, Shrubs, or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors.

turn Watercourses,

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges,

And it is hereby enacted and declared, That the Charges of such Works to be done by, or by Order of, such Surveyor or Surveyors, such Charges to be settled and ascertained by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers neglecting or refusing to remove such Annoyances as aforesaid; and in case such Owners or Occupiers, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor, such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, or under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Place where such Owner or Occupier, or other Person, shall reside, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid, returning the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods shall be so distrained

to be levied by Distress and Sale.

Penalty of a Second Offence.

ed and sold, as aforesaid; and if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath made before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said Riding; which Oath the said Trustees, or any One or more of them, or such Justice or Justices respectively, is and are hereby impowered to administer; shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings, to be levied and recovered in the Manner aforesaid.

Surveyors may make Causeways,

And it is hereby enacted and declared, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Seven or more of them, to make, or cause to be made, Causeways, and

cut Drains, &c.

to cut and make Drains through any Grounds lying contiguous to the said Road, and to erect, rebuild, and keep in Repair, Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Road or Highway, over any Part of the Woods or Waste Grounds, contiguous and adjoining thereto, or through which the said Road

and widen the narrow Parts of the Roads;

doth now pass; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, and laying into the said Highway or Road, any Grounds of any Person or Persons, lying contiguous thereto (not being a House, Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a House) and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall judge necessary for the better amending and keeping the said Road in good Repair;

and make a temporary Road;

and also to make, or cause to be made, a Road or Way through, over, and along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being a House, or other Building, Garden, Orchard, Yard, Park, or planted Walk, or Avenue to an House, Plantation or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, adjacent, narrow, or ruinous Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass; making such reasonable Satisfaction to the Owners or Occupiers of such Ground which shall be laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which

any such Arch or Arches, Bridge or Bridges, or through, over, or along, which such occasional or temporary Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at the General Quarter Sessions to be next holden for the said Riding; and in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to scour or cleanse such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them by virtue of this Act, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to work to scour, cleanse, and make the same, and, by Warrant from any Five or more of the said Trustees, to levy the Charges thereof upon the Goods or Chattles of the Owner or Owners, Occupier or Occupiers, of such Watercourse, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose,

the Surveyors may set Men to work thereon, and levy the Charges.

Provided always, That in case the ancient or former Way over any Moor or Waste Ground, shall, by virtue and in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the Old Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such old Road, unless the same lead to some other Village, Town, or Place, than the new Road doth, and such Old Road shall be disused and discontinued.

If the Roads over any Moor, &c. be discontinued, Inhabitants not liable to repair the same.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may by the said Trustees be thought necessary or proper to be taken in, and added to, the said Road, either for extending, widening, enlarging, turning, altering, or amending, the same as aforesaid, and they may be willing to treat and agree to sell such Land, Grounds, Tenements, or Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by

Bodies Politick, &c. may contract for the Sale of Lands, &c.

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 in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier, Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Road, as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, shall, by the Space of Sixty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or by reason of Absence, shall be prevented from treating; then, and in every or in any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of York (which Oath the said Trustees, or any One or more of them, are hereby impowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein,

Jury to assess Damages.

shall or may suffer or sustain, for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the said Road, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have and receive, by reason of or on account thereof; and for that Purpose, and in order thereto, the said Trustees, or any Five or more them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any One or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, if necessary, and to use all other lawful Ways and Means, as well for their own, as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Land, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, and their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any way interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, into, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said

Witnesses may be summoned, and examined on Oath.

Verdict of the Jury to be final.

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

County

County of York, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place, as in such Warrant shall be appointed; and such Sheriff is hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any One or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and on Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and that the said Trustees, or any Five 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, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, or on any of the Persons that shall be summoned and returned on such Jury, not appearing or refusing to be sworn on the said Jury, or being so sworn, refusing and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and also from time to time, to impose such Fines and Penalties on any Person or Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse to be examined or to give Evidence touching the same, as the said Trustees, or any Five or more of them, shall think fit; and which said Fine or Fines shall be levied and recovered in such Manner as any Fine or Penalty is by this Act directed to be levied and recovered, so as no such Fine do exceed the Sum of Five Pounds, upon any One Person; and all such Fines shall be so employed, and for such Uses, and in such Manner as the Tolls or Monies granted, or to be raised by virtue and in pursuance of this Act, are to be laid out and applied.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

Fine not to exceed 5 *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 or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained,

ascertained, or assessed, as aforesaid, shall be and are hereby charged and chargeable upon the Tolls, and Monies which shall be raised, received, and borrowed, by virtue and in pursuance of this Act, and shall be paid thereout respectively, unto the Persons respectively intitled to the same, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto; and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, and add to the said Road, such said Ground, Lands, or Tenements, and to do all and every such Act, Matter, or Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so to be taken into, and added to the said Road, and to ditch and fence out the same, as the said Trustees, or any Five or more of them, shall think fit; and the said Ground or Grounds, Lands or Tenements, so to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, in all respects in such Manner, as other Highways are by Law to be repaired; and after such Purchase shall be so made as aforesaid, and such new Road completed, the Lands or Grounds comprized in or constituting the old or former Road, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the Road by this Act intended to be repaired.

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

Old Road may be sold.

And, forasmuch as the Monies to be collected by such Receipt of the Tolls or Duties granted and made payable by this Act, will not be sufficient for the speedy repairing the said Road; be it further enacted, That the said

Tolls may be assigned for Money borrowed.

Trustees, or any Nine or more of them, shall and may, and they are hereby impowered from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the said Tolls and Duties, or any Part thereof, by virtue of this Act, to be collected and levied as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof with lawful Interest, or less, or to raise Money on the Credit of the said Tolls, by such other Ways or Means as to them the said Trustees, or any Nine or more of them, at any publick Meeting, shall appear most effectual for answering the Purposes of this Act (the Costs and Charges of such Assignments or other Security or Securities to be borne and paid out of such Tolls and Duties) and the said Money so borrowed, shall be applied and disposed of as the said Tolls or Duties raised and collected are directed to be applied and disposed of by this Act, and to no other Use or Purpose whatsoever.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That the Dates, Parties, and Contents, or Substance of all and every Assignment or Assignments, or other Security or Securities, so to be made by the said Trustees, as aforesaid, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer for the time being; and the said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Notice to be given of borrowing Money.

Provided also, and it is hereby enacted and declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of this Act, unless Notice be for that Purpose fixed in Writing under the Hand of the Clerk to the Trustees, upon all the Turnpike Gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

Penalty on Persons unloading Goods, &c.

or taking off Horses, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time during the Continuance of this Act, unload, or cause to be unloaded, any Grain, or any Sort of Goods or Merchandizes; or take off any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Curricle, Chair, Hearse, Chaise-marine, or Litter, or any Horse or Horses, Or or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall conceal

conceal or secrete any Goods, or any other Thing chargeable with any of the Tolls aforesaid; or shall put or leave in any House or other Place, any Coach or Landau, Berlin, Chariot, Calash, Chaise, Curricle, Hearse, Chaisemarine, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings, which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by Force and Virtue thereof, touching which no Provision is herein before made, shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Five or more of the said Trustees, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the Riding or Place wherein the said Penalties or Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Trustees, Justice or Justices respectively, is and are hereby impowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath, as aforesaid; and which Oath the said Trustees, or any One or more of them, or such Justice or Justices respectively, is and are hereby impowered and required to administer; which Penalties and Forfeitures, when recovered, shall go, and be applied, and laid out, for and towards the amending the said Road hereby directed and intended to be repaired; and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by such Justice or Justices respectively, shall be deducted.

Trustees may lessen, &c. the Tolls.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees, or any Nine or more of them, at any General Meeting to be held by virtue and in pursuance of this Act, and they are hereby authorized and impowered, from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the

the same, after any such Reduction; and to order and direct such Tolls and Duties so lessened, reduced, or re-advanced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons, who, at the Time of the said Reduction, shall have any Money secured thereby, and so such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein before contained to the contrary in any wise notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted, shall take place from the First Day of June, next after the passing of this Act, and shall continue 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, subject nevertheless to such Variation as aforesaid.

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

Provided always, That if at any Time before the Expiration of the said Term, the said Road shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the West Riding of the County of York, at the General Quarter Sessions of the Peace to be holden next after Easter, then, from and immediately after such Adjudication made, and Repayment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, in pursuance of this Act, with Interest for the same, shall be paid, satisfied, and discharged, then, and from thenceforth, the Tolls and Duties hereby granted and made payable, shall cease and determine; any thing herein before contained to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on giving Notice in Writing to be fixed on all the Turnpike-gates which shall be then erected and set up on the said Road, of their Intent to let or set such Tolls or Duties, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls and Duties hereby granted and made payable, or any Part thereof, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best yearly Rent or greatest Sum that can be got for the same, payable at such Times, and under such Covenants, and to such

such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; which yearly Rent or Sum of Money so to be paid, shall be applied and disposed of as the Tolls and Duties granted by this Act, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may contract for repairing the Roads,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered, by Writing or Writings under their Hands and Seals, to contract with any Person or Persons for repairing, amending, and widening the said Road, or any Part thereof; and also for the erecting and setting up Mile-stones or Posts, in, upon, or on, the Sides of the said Road, or any Part thereof, in such Manner, and for such Sum and Sums of Money, as shall be agreed upon by and between the said Trustees, or any Five or more of them, and such Person or Persons so contracting with the said Trustees, or any Five or more of them.

and erecting Mile-stones.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the West Riding of the County of York, to act as a Justice or Justices of the Peace, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act contained.

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

And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful for the Trustees appointed and to be appointed by virtue of this Act, or any Nine or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, other fit and able Person or Persons to be added and joined with, the Trustees hereby appointed and to be elected by virtue of this Act, in the Execution of the several Powers hereby in them reposed, Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-gates which shall be then erected by virtue of this

10-Days Notice to be given of such Election.

Act, at least Ten Days before such Election; and all and every Person and Persons so to be chosen a Trustee or Trustees to join in putting this Act in Execution, shall and may, and is, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so elected are by this Act impowered to do, and so from time to time, as Occasion shall require.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any of their publick Meetings, shall and may, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree for any Time not exceeding One Year, with any Person or Persons travelling through the Turnpike or Turnpikes erected by virtue of this Act, with any Horse, Mule, or Coach, Waggon, Cart, or other Wheel Carriage, for any Sum or Sums of Money, to be paid Quarterly, or otherwise, from time to time, after such Agreement shall be made,

Compositions to be entered in a Book.

and Minutes of all such Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; and which said Books shall and may be seen and perused by any Person or Persons whomsoever, at all seasonable Times, without Fee or Reward.

Composition-money how to be recovered.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the Turnpikes or Gates to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within Fifteen Days next after the same shall become due and payable, according to the Terms of such Composition or Agreement, then it shall and may be lawful for any Five or more of the said Trustees, or for any One or more Justice or Justices of the Peace of the said Riding, by Warrant under their or his Hands and Seals, or Hand and Seal, to impower the Person who shall be authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, and Oath being made that the same has been demanded, and remains unpaid (which Oath such Trustees, or any One or more of them, or such Justice or Justices, is and are hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods and Chattles of the Person and Persons so having compounded for passing through any of the said

Turnpikes Toll-free, as aforesaid, or of the Person or Persons who shall so compound for, or in respect of, the said Statute or Days Work, or of the Surveyors of the Highways for the time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus upon Demand (if any be) after the Charges of such Distress and Sale thereout is first deducted.

Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and be it further enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which any such Composition shall be made for any Statute or Days Work, as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in Manner herein before provided, all and every such Surveyor or Surveyors shall or may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in the same 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 the amending the Highways.

Time and Place of Trustees Meeting.

And, for the better and more effectual carrying into Execution the several Trusts, Powers, and Authorities, given and granted by this Act, be it further enacted by the Authority aforesaid, That the Trustees herein before appointed, or any Nine or more of them, shall and may assemble and meet together at the House of Benjamin Johnson, being the Sign of the White Hart in Wakefield, on the Seventh Day of June next after the passing of this Act, and shall proceed to the Execution of this Act.

Trustees may adjourn themselves.

And it is hereby also enacted and declared, That the said Trustees shall and may, from time to time, adjourn themselves to such Time and Place, as they, or any Two or more of them, shall think proper.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Provided always, That if it shall happen that there shall not appear at any Meeting which shall be appointed to be held in pursuance of this Act, a sufficient Number of Trustees to act at such Meeting, or to adjourn to another Day, then, and in such Case, the Clerk to the said Trustees respectively, by Notice or Writing under his Hand, to be set at the several Toll-gates or Turnpikes to be erected in pursuance of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees respectively to meet at the Place where the Meeting of the said Trustees ought to be held by virtue of this Act, on that Day Fortnight upon which such last Meeting of the said Trustees was appointed to have been held; and that the said Trustees

Trustees to defray their own Expences.

tees appointed and to be appointed by virtue and in pursuance of this Act, shall, as well at their First Meeting, as at all their subsequent Meetings, defray their own Charges and Expences.

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

Provided always, and be it further enacted, That no Person or Persons appointed or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by Reason of the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of his accepting, and during the Enjoyment, of such Place of Profit as aforesaid.

Qualification of Trustees.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee for the Purposes of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds; or possessed of, or intitled to, a Personal Estate, to the Amount of One thousand five hundred Pounds; or of a Real and Personal Estate together, of the Value of One thousand five hundred Pounds: And if any Person so hereby made or declared incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every Person or Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Roads to be measured, and Mile-stones erected.

And it is hereby further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected and set up, in or near the Sides of such Road, One Stone or Post to be placed at the Distance of One Mile from another, and so denoting the Distance of every such Stone or Post from any other Place, as to the

the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or which shall be set up for protecting any Horse Causeway, or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road, where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before the Trustees, or any Five or more of them, or before One or more Justice or Justices for the said West Riding (which Oath any One or more of the said Trustees, or such Justice or Justices, is and are hereby impowered to administer) every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Trustees, Justice or Justices, before whom such Conviction shall be made, such Forfeitures to be applied in repairing the Stones or Posts so broken and defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing that Part of the said Road where the Offence was committed; and in case the Person or Persons so offending and convicted shall have no Goods and Chattles, then it shall and may be lawful to and for such Trustees, Justice or Justices respectively, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the West Riding of the County of York, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person and Persons so offending and convicted, shall not be discharged till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Penalty on defacing Milestones, &c.

to be levied by Distress and Sale, &c.

For want of Distress, Offender to be committed.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee

Writings to be without Stamps.

fee or Trustees for the putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Assignments may be transferred, and the Manner of doing so.

And it is hereby also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Nine or more of them respectively, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money, by any Person lent and advanced on the Credit of the said Tolls and the Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their Right, Title, and Interest, in and to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks so to be appointed, as aforesaid, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments or other Securities, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, thenceforth to make void, release, or discharge the same, or any Monies due, or any Part thereof.

Clerk's Fee.

Proceedings to be entered in a Book,

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents, or Substance of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees; and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions, with the said Trustees, or any of them, shall be entered in a

Book

Book or Books to be kept for that Purpose, by the Clerk or Clerks; which said Book or Books shall and may be seen and perused at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered, being signed by the Clerk or Clerks appointed as aforesaid, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed, and taken to be, Original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced and read in Evidence, in all Cases of Suits or Actions touching any thing done in pursuance and by the Authority of this Act.

and signed by the Clerk.

Books may be read in Evidence.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, or their Successors, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine or more Trustees shall be present at the Time of repealing such Order.

No Order made shall be repealed, unless Nine Trustees be present.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved, by any Thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, within the Space of Three Months, to appeal to the Justices of the Peace at their next General Quarter Sessions, to be held for the Riding, Liberty, or Place, wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way, and if they see Cause, shall and may by Order of such Sessions, mitigate at their Discretion, all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs, as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrants, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the Common Gaol for the County of York, for any Time not exceeding Three Months, or until Payment of such Costs shall be made; and the Person so appealing as aforesaid, shall, and they are hereby directed to give

Persons aggrieved may appeal to the Quarter Sessions.

Notice

Notice in Writing to the said Treasurer or Treasurers, for the time being, of such their Intention of bringing or prosecuting any Appeal One Month before the said Quarter Sessions; and within Ten Days after such Notice given, enter into a Recognizances before some Justice of the Peace within the Riding, Liberty, or Place, where the said Offence was committed, with sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace, which shall be held next and immediately after the bringing such Appeal; and every such Appeal shall, at the next General Quarter Sessions, be there heard and finally determined.

Distress not to be deemed unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in any Action upon the Case.

nor the Party distraining deemed a Trespasser *ab initio*.

Limitation of Actions.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made, to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action shall be laid in the County of York, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall or may at his Election plead

General Issue.

specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County, Place, or Places, than where the Fact was committed, then the Jury shall

find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words, to the same Effect: Convictions to be in the following Form.

West Riding of the County of *York*. {BE it remembered, That on the in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace, for the Riding aforesaid, or before us of the Trustees, nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty second Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for repairing the Road from* Wakefield *to* Austerlands, *in the West Riding of the County of* York, [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.*]

Given under our Hands and Seals, the Day and Year aforesaid.

Which said Form and Conviction, or any of the Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, or any Order made touching any of the Matters aforesaid, by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding. Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*.

Publick Act. And be it 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, without specially pleading the same.

FINIS.