Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road from *Dewsbury* to *Ealand*, in the West Riding of the County of *York*.

WHEREAS the Road leading from the Town of Dewsbury, through Mirfield, over Mirfield Moor, and through Bradley Lane, to the Town of Ealand, in the West Riding of the County of York, is in a ruinous Condition, and, in several Places, very narrow and incommodious, and the said Road cannot be effectually repaired and widened by the ordinary Course appointed by the Laws in being; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, Preamble.

Trustees Names.

bled, and by the Authority of the same, That the Right Honourable William Lord Viscount Galway in the Kingdom of Ireland; the Right Honourable John Lord Pollington in the Kingdom of Ireland; Sir William Wentworth, Sir Lionel Pilkington, Sir Rowland Winn, Sir John Ramsden, Sir George Savile, Sir John Lister Kaye, Sir George Armytage, Sir George Dalston, Sir William Lowther, Baronets; the Honourable George Carey, the Honourable Edward Wortley, the Reverend Bryan Allet, Bryan Allet the younger, Henry Allet, Anthony Armytage, Charles Allanson, Thomas Arthington, Richard Beaumont, Thomas Beaumont, Samuel Burroughs, Musgrave Briscoe, John Brooke, Daniel Battye, William Banks, John Beevor, Abraham Balme, Godfrey Bosville, Thomas Barstow, Richard Burton, Thomas Beatson of Chevet, William Beatson, John Buxton, Jeremiah Barstow, William Beatson of Hollingthorpe, Thomas Cotton, John Cookeson M. D. Joshua Cockill, William Crookes, John Clapham, William Child, Joshua Child, John Crosland, Richard Charlesworth, William Charlesworth, John Crookes, Nathaniel Cholmley, William Charnock, George Charnock, Robert Cheatham, John Dyson, Samuel Dyson, Edward Darby, Timothy Deighton, Jeremiah Dixon, Robert Denison, Thomas Denison, William Denison, William Danby, William Dawnes, Ralph Elmsall, Henry Elmsall, Edward Elmsall, James Farrer, Abraham Firth, Samuel Fenton, Francis Fourness, Edward Fenton, Thomas Fenton, James Fenton, William Fenton, Ayscough Fawkes, Edward Gregg, John Greenwood, Richard Greenwood, James Gream, Harpham Green, Richard Green, Thomas Gill, William Horton, Joshua Horton, Walter Hawksworth, William Horsfall, Thomas Hirst, William Hague, John Horsfall, Henry Horsfall, John Haigh, Samuel Hirst, the Reverend John Hirst, Samuel Haigh, John Hatfield, Robert Harpur, Samuel Harpur, Henry Hitch, Anthony Hall, Walter Jodrell, Alan Johnson, Charles Ingram, Richard Kaye, Edward Leeds, Samuel Lister, Thomas Lee, John Lee, George Fox Lane, Robert Lane, Edwin Lascelles, Daniel Lascelles, Henry Lascelles, Cavendish Lister, the Reverend Timothy Lee D. D. James Maud, William Marsden, Thomas Maude, William Maude, Richard Micklethwait, William Marsden, Thomas Marsden, William Marsden junior, Daniel Maude, Daniel Maude junior, Francis Maude, Francis Maude junior, George Morehouse, John Newton, James Nelthorpe, Jeremiah Naylor, Fletcher Norton, Francis Norton, Thomas

Thomas Norton, Thomas Norton junior, William Nevison, Edward Oates, Charles Oates, William Osbaldiston, John Pilkington, Michael Pilkington, Harrison Pilkington, Metcalfe Proctor, Thomas Pulleyn, Edward Prince, William Priestley, William Priestley junior, Richard Richardson, William Radcliffe, Charles Radcliffe, Jeremiah Rawson, Abraham Radcliffe, John Radcliffe, Richard Raynor, Timothy Rhodes, Benjamin Roebuck, John Ridsdale, John Smith, John Silvester Smith, John Spencer, John Stanhope, Robert Stansfield, Henry Scott, Richard Sheply, Daniel Sheply, the Reverend Thomas Scott, the Reverend John Scott, Joseph Steer, the Reverend Sidney Swiney, William Shaw, Robert Steer, Thomas Strother, Thomas Strother junior, Thomas Thornhill, George Thornhill, William Turner junior, John Taylor, Thomas Thompson, William Thompson, John Taylor junior, Richard Towne, William Todd, Thomas Wentworth, Walter Wade, Peregrine Wentworth, Joseph Walker, John Whitacre junior, William Wheatley, the Reverend John Watson, Godfrey Wentworth, Thomas Walker, Edmund Winn, Rowland Winn, Joshua Wilson, Walter Wade, Edward Wortley junior, the Reverend Benjamin Wilson, Thomas Wilson, Clerks; Andrew Wilkinson, Charles Wilkinson, Jonathan West, John Walker, the Reverend Henry Zouch, shall be, and they and their Successors, to be elected in Manner as is herein after-mentioned, are hereby appointed Trustees for repairing, widening, and keeping in Repair, the said Road, and for putting in Execution all the Powers by this Act granted.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the House of John Sinkinson in Bradley Lane, on Thursday the Fourteenth Day of June next after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time, afterwards, adjourn themselves, to meet at such Place or Places upon or near the said Road, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution; and if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees shall, from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon all

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

the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Twenty first Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

No Act valid, except done at a publick Meeting of the Trustees.

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

Trustees not to act where interested.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect One other Person to be a Trustee, in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby impowered to act in the Execution of the Powers hereby granted, to all Intents and Purposes, and in as full and ample Manner, as the Persons herein before nominated are impowered to act.

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

10 Days Notice of Election to be given.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together,

Qualification of Trustees.

together, of the Value of Three thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act. Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, cause to be erected One or more Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Road, and also a Turnpike or Turnpikes on the Side or Sides thereof, and cross any Lane or Way leading into the same; and also to be erected or provided a Toll-house at or near each Turnpike; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from time to time, appoint, at each Turnpike which shall be erected by virtue of this Act, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses; and appoint Persons to take the following Tolls thereat.

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, or Chair, Hearse, or Chaise Marine, drawn by Six Horses, or Beasts of Draught, Two Shillings; and drawn by Four Horses, or Beasts of Draught, One Shilling and Six Pence; and drawn by Two Horses, or Beasts of Draught, One Shilling; and drawn by One Horse, or Beast of Draught, Six Pence. The Tolls.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses, or Beasts of Draught, not laden with or carrying Lime, Coals, or Cinders, One Shilling and Six Pence; and drawn by Four Horses,

Horses, or other Beasts of Draught, One Shilling; and drawn by Three Horses, or other Beasts of Draught, Nine Pence; and drawn by Two Horses, or other Beasts of Draught, Six Pence; and by One Horse, or Beast of Draught, Three Pence.

And for every Waggon, Wain, Cart, or other Carriage, going for, or loaden with, any Lime, Coals, or Cinders, drawn by Five or more Horses, or Beasts of Draught, passing or repassing through the said Turnpikes at any Time between the First Day of May and the First Day of November, in every Year, the Sum of Nine Pence; and drawn by Four Horses, or Beasts of Draught, Six Pence; and drawn by Three Horses, or Beasts of Draught, Four Pence; and drawn by Two Horses, or Beasts of Draught, Three Pence; and by One Horse, or Beast of Draught, Two Pence.

And for every Waggon, Wain, Cart, or other Carriage, going for, or loaden with, Lime, Coals, or Cinders, passing or repassing through the said Turnpikes, at any Time between the First Day of November and the First Day of May, in every Year, drawn by Five or more Horses, or Beasts of Draught, One Shilling; and drawn by Four Horses, or Beasts of Draught, Nine Pence; and drawn by Three Horses, or Beasts of Draught, Six Pence; and drawn by Two Horses, or Beasts of Draught, Four Penee; and by One Horse, or Beast of Draught, Three Pence.

And for every Horse, Mare, Gelding, or other Beast of Burthen, not carrying Coals or Cinders, whether laden or unladen, and not drawing, One Penny Halfpenny.

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

And for every Drove of Calves, Sheep, Lambs, or Swine, Five Pence per Score; and so in Proportion for a greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by

Tolls may be levied by Distress and Sale.

this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Distress to be sold after 4 Days.

Tolls vested in the Trustees.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Road.

No Toll to be taken for crossing the Road only.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Property of the Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That out of the Tolls or Monies to be borrowed upon the Credit thereof, the said Trustees, or any Seven or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to, the obtaining this Act; and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair the said Road, and of executing the Purposes of this Act, and to no other Use whatsoever.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, from time to time, assembled at a Meeting or Meetings to be held for that Purpose, and they are hereby impowered, from time to time, with the Consent

Trustees, with Consent of the Creditors, may lessen the Tolls,

of such Person or Persons as shall be intitled to Two Thirds or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Nine or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the said Turnpikes, as they shall think proper; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied; in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act.

and raise them again.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross and on the Sides of the said Road, and cross any Lane or Way leading into the same; but all and every such Person or Persons, after having paid Toll Once, shall, upon producing a Note or Ticket, denoting the Payment of such Toll, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll-free, during such Day, through all or any the said Turnpikes; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of the Toll.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose; whereof Twenty Days Notice at the least in Writing, shall be fixed on all the Turnpikes which shall be then erected by virtue of this Act, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls, or any Part or Parts thereof, unto any

Person

Person or Persons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the best yearly Rent or Sum that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the said Tolls are directed to be applied.

Penalty on Persons permitting private Passage;

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike, which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit, or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse or other Cattle or Beasts, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll, every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

or giving or receiving Tickets, &c.

or taking off Horses, &c. to avoid Payment of the Tolls.

Persons and Things exempted from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Person who shall pass through any Turnpike to be erected by virtue of this Act, shall be charged with, or liable to pay, any Toll for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, Mule, or Beast, laden with, carrying, drawing, or empty, and going for, or returning, having been laden with, on

the

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 any Toll for any Cart, Wain, Waggon, or other Carriage, 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, or any Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands, or for any Horse or other Cattle or Beast, or Carriage, going to, 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 Purpose aforesaid; nor shall any Toll be demanded or taken from any Person or Persons residing in any Township in which the said Road doth lie, who shall pass through any of the same Turnpikes 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 shall any Toll be demanded or taken for any Post Horse carrying the Mail or Packet; nor for any Cattle going to or from Water or Pasture; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of York, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims, not being intitled thereto.

Trustees may compound with Inhabitants.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year, or at any One Time, with any Inhabitant or Inhabitants of any Township or

Townships, in which any Part of the said Road lies, for all or any of the Tolls to be paid for, or in respect of, the Horses, Cattle, Beasts, and Carriages, belonging to such Inhabitant or Inhabitants; and all such Composition-money shall be paid Quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls are directed to be applied.

Provided nevertheless, That this Act shall not authorize the making any Composition for, or in respect of, any Horses, Cattle, Beasts, or Carriages, travelling for Hire. Proviso.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the said Tolls, in such Manner as they shall think proper, to borrow and take up, at an Interest not exceeding Five Pounds per Centum per Annum, such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may, and they, or any Seven or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees: But no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes, at least Twenty Days before the borrowing of such Money: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

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

Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officer or Officers as they shall think necessary to employ in the Execution of this Act; and shall take such Securities for the due Execution of their respective Offices, as they shall think fit; and, from time to time, to remove such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, to allow such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and such other Person and Persons as shall be assisting in or about repairing, widening, or altering the

said Road, or executing this Act, such Salaries or Allowances, as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall appoint, deliver to such Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint; and that all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall knowingly deliver a false Account, or shall refuse or neglect to produce or deliver up the Vouchers relating to the same, or to verify the Articles thereof upon his Oath, or shall refuse or neglect to pay over, in Manner as aforesaid, all the Monies which shall remain in his Hands; and if any such Officer or Person shall refuse or neglect to deliver up to the Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act; in each, any, or either of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the West Riding of the County of York, and such Justice or Justices, upon Complaint thereof to him or them made, is and are hereby required to make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the County of York, there to remain without Bail or Mainprize until he shall give and make a true

Officers to account upon Oath.

Officers refusing to account,

Justice to enquire into the Default,

and commit the Offender to Gaol.

true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Seven or more of them.

Trustees may compound.

Collectors to gain no Settlement by their Office.

Provided always, That no such Collector, Surveyor, or other Officer, shall gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

Trustees may appoint Collectors, though not at a publick Meeting.

Provided also, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Nine or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed, shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, and such other Persons as shall be employed by him or them for that Purpose, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Road lies, or in any neighbouring Parish, Town, or Place (except Stones from Quarries open and in working, and except Gravel, Sand, Stones or other Materials within Twenty five Yards Distance from the Foot of any Mill Dam or Weir, Lock or Locks) without paying any thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Or-

without paying for the same;

levelling the Pits;

der

der in Writing of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for the Materials, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

making Satisfaction to the Owners of the Ground.

Provided always, and be it further enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Grounds, River or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, for his private Use, and Persons authorized by such Owner or Occupier to get Materials therein, for his proper Use only, and not for Sale) every Person so offending shall forfeit for every such Offence, the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all 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, along, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees,

Surveyors may remove Annoyances,

turn Watercourses,

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice.

Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses, or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied, in such Manner, as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways, and also Ditches or Drains, in and upon the said Road, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Road, or cross any such Ditch or Drain where necessary; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as such Parts of the said Road do not exceed in Width Fifteen Yards; and also to make, or cause to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the said Road (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages, as a Publick Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Nine or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Ground.

Surveyors may make Causeways,

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall be, and are hereby fully authorized and impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Road through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Nine or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain, by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all others Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Nine or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such

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

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

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

such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Sixty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Nine or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County of York; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premisses: And after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their

Jury to assess Damages.

Witnesses may be summoned, and examined on Oath.

Verdict of the Jury to be final.

their Warrant or Warrants to the Sheriff of the ſaid County of York, commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and, in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Truſtees, or any Seven or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be examined or to give Evidence, and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Twenty Shillings, on any One Perſon for One Offence.

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

Jurors may be challenged.

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

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the ſaid Tolls, or out of the Monies to be borrowed on the Credit thereof, to the Parties or Perſons reſpectively intitled thereto, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the

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

same in the Hands of the Clerk to the said Trustees, for the Use of such Parties or Persons; and after Twenty one Days Notice thereof given to such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road, as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands: And all Lands and Hereditaments which shall be made a Part or Parts of the said Road, by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair, in such Manner as the Road hereby appointed to be repaired and widened is, by this or any other Law, to be repaired, and from thenceforth all Parties and Persons whatsoever, shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the said Road; but this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

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

Old Road may be sold.

Provided always, That the Lords of the respective Manor shall have the same Interest and Property in such new Roads as they were possessed of, or intitled to, in the former Roads, in lieu whereof such new Roads shall be made; any thing herein contained to the contrary notwithstanding.

Reservation of Right.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place

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

shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Grantees, &c. to pay Annuities, &c. to Trustees.

And be it further enacted by the Authority aforesaid, That all Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been or shall be given to any Person or Persons whatsoever, for and towards the amending any Part or Parts of the said Road, shall pay such Part of the Rents, Issues, and Profits of the said Messuages, Lands, and Tenements, and 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 in repairing such Part of the said Road, for which the same were or shall be given; and the said Trustees, or any Five or more of them, are, or their Treasurer for the time being is, hereby impowered to receive such Rents and Profits, and Money as aforesaid, and to give Acquittances for the same.

who are to give Acquittances.

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

And it is hereby also enacted and declared, That all Persons who by Law are chargeable towards repairing the said Road, or any Part thereof, shall still remain liable and chargeable, and do their respective Statute-work in the Parishes in which the said Road doth lie, in such Manner as before the passing of this Act they ought to have done the same, except so far forth as is in and by this Act otherwise directed.

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 for the respective Townships and Places in which any Part of the said Road doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships and Places, are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise, and also the Number of Days Work which each Person ought to do on the Road, in such Townships and Places respectively, Part of which said Statute-work, not exceeding Two Days for each Person, shall be done at such Times, and

in

in such Manner, and on such Parts of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct or appoint, and shall also set forth and specify in every such List what each Person is respectively chargeable with for and towards the same; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships or Places respectively, within Seven 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-work upon any Part or Parts of the said Road, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person keeping a Team or Teams, Draught or Draughts, Cart or Carts, as aforesaid, who shall, after such publick Notice, neglect or refuse to send his or her respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught as he or she respectively employ, with One Person to attend the same, to perform such their respective Days Work on the said Road, in such Manner as the said Turnpike Surveyor shall direct, shall respectively forfeit the Sum of Ten Shillings for every Day wherein any such Team, Draught, or Cart, shall make such Default as aforesaid; and every Labourer, or other Person so chargeable, who shall neglect or refuse, after such publick Notice, to perform the said appointed Days Work on the said Road, shall respectively forfeit the Sum of One Shilling and Six Pence for every Day such Labourer or other Person shall make Default; and every Person who shall, according to such publick Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, Draught, or Cart, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

fore-

fore-mentioned; and all Persons doing such Days Work on the said Road, shall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound or agree by the Year, or otherwise, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had at any Vestry or other Publick Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road, all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said Road to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any Five or more of the said Trustees, or any One Justice of the Peace for the West Riding of the County of York, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any Two of such Trustees, or such Justice, is or are hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Five or more of such Trustees, or of such Justice (which Warrant or Warrants such Trustees or Justice is or are hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Five or more of such Trustees, or such Justice, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the said West Riding, within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten intire Days Notice at the least,

Notice of Appeal to be given,

least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said West Riding, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

and Security to be given to prosecute.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered to contract with any Person or Persons for repairing, widening, or altering, the said Road, or any Part thereof, and for erecting Mile-stones or Posts thereon, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper.

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted by the Authority aforesaid, That all Contracts in Writing entered into pursuant to any Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding upon all Parties who shall sign the same, his, her, 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 or Sums of Money stipulated to be paid to such Contractor or Contractors, shall be the Measure of the Damages to be recovered against such Contractor making Default in fulfilling his Contract; any Law or Usage to the contrary notwithstanding.

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

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, Notice, 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

Distress not to be deemed unlawful for want of Form;

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

which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action upon the Case.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book,

and signed by the Clerk.

Provided, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks to the said Trustees, at a Meeting of Five or more of the Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders;

Books may be read in Evidence.

which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Convictions to be in the following Form.

And for the more easy 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:

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, *for repairing and widening the Road from* Dewsbury *to* Ealand, *in the West Riding of the County of* York, [*specifying the Offence, and when and where the same was committed.*]

Given under our Hands and Seals (or Hand and Seal) the Day and Year aforesaid.

Which said Form and Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, or any Order made, or other Matter or Thing to be done or transacted, touching any Matter in or relating to the Execution 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*.

Provided always, and be it further enacted by the Authority aforesaid, 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 to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of York, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to 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

Limitation of Actions.

General Issue.

as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, 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 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.

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.