Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road leading from the East Side of *Barnsley Common*, in the County of *York*, to the Middle of *Grange Moor*, and from thence to *White Cross*; and also the Road from the Guide-Post, in *Barugh*, to a Rivulet called *Barugh Brook*, and from thence for Two hundred Yards over and beyond the same Rivulet or Brook into the Township of *Cawthorne*, in the said County.

WHEREAS the Road leading from the East Side of Barnsley Common, in the County of York, to the Middle of Grange Moor, and from thence to White Cross; and also the Road from the Guide Post, in Barugh, to a Rivulet called Barugh Brook, and from thence, for Two hundred Yards over and beyond the same Rivulet or Brook into the Township of Cawthorne, in the said County; being situate in a trading and populous Part of the same County, 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 pas- Preamble.

table and kept in Repair for the preserving and encouraging the Trade and Commerce thereof, is, from the Narrowness 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 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,

Trustees Names.

That Sir William Wentworth, Sir George Savile, Sir John Lyster Kay, Sir John Ramsden, Sir George Armitage, Sir Rowland Winn, Sir Lionel Pilkington, Sir George Dalston, Baronets; Bryan Allott Clerk, Robert Allott, Thomas Askham, Anthony Armitage, Joseph Armitage, John Battye, Godfrey Bosville, Samuel Burroughs, Richard Beaumont, Thomas Beaumont Clerk, Thomas Beaumont, George Beaumont Clerk, John Brooke, John Beckett, John Beckett the younger, Musgrave Briscoe, William Beatson, Philip Bray, John Burdet, Bowden, John Burton Clerk, John Cookson M. D. Thomas Cotton, Willam Crookes, Thomas Cockshutt Clerk, William Child, William Croft Clerk, William Crosley, Thomas Crosland, Egerton Cutler, Henry Cutler, Richard Chappell, John Denham, John Deykin, Edward Dickinson, Nathaniel Dyson, Richard Ellison, Ralph Elmsal, Edward Elmsal, Ralph Elmsall junior, Francis Edmunds, William Elmhirst, Joshua Earnshaw Clerk, Jonas Eastwood, Richard Fenton, William Fenton, William Fenton the younger, Samuel Fenton, James Farrer, Benjamin Ferrand, Joseph Firth, Thomas Firth, John Fountayne D. D. William Green, Joseph Greaves, John Green, George Green, Harpham Green, Richard Green, Radcliffe Green, Walter Hawksworth, Henry Hitch, Francis Hall Clerk, John Hawksworth, William Hall, Anthony Hall, Thomas Hall, Thomas Haigh, William Haigh, Francis Haigh Clerk, Samuel Haigh, John Haigh, Thomas Haigh, John Hall, John Harrop Clerk, John Hatfield, Joseph Hatfield, John Hatfield, Thomas Hirst, William Horsefall, John Thornhaugh Hewett, Thomas Heron, Ebenezer Jackson,

Jackson, Richard Kay, John Hatfield Kay, Samuel Kirkshaw Clerk, George Fox Lane, Robert Lane, Edwin Lascelles, Daniel Lascelles, Robert Leatham, Timothy Lee D. D. Robert Leybourne D. D. Marsh Clerk, Benjamin Micklethwaite, Richard Micklethwaite, James Maude, Francis Maude, William Maude, William Marsden, William Marsden the younger, Thomas Marsden, John Milnes, John Milnes the younger, Robert Milnes, Pemberton Milnes, James Milnes, William Milner, Gamaliel Milner, Luke Marsden, Richard Mathewman, John Melladew, Thomas Morehouse, George Morehouse, Fletcher Norton, Benjamin North, Benjamin North the younger, Joshua Newton, John Newton, William Osbaldeston, Fountayne Osbaldeston, Edward Oates, Thomas Oates, Ambrose Oxley, Samuel Oxley, George Osbaldeston, Gregory Perkins Clerk, Samuel Phipps Clerk, Joseph Purselove Clerk, Edward Prince, Richard Pickering, John Pilkington, Michael Pilkington, Harrison Pilkington, William Radclyffe, Charles Radclyffe, John Radclyffe Clerk, Abraham Radclyffe, John Radclyffe of Almondbury, Aymor Rich, Jonas Rich, John Rowley, William Rowley Clerk, Michael Rooke, Gervase Rooke, Timothy Rhodes, William Rooke, John Spencer, William Spencer, Benjamin Spencer, John Smyth, Thomas Smyth Clerk, John Silvester Smith, Sandford Clerk, John Stanhope, John Scott Clerk, Thomas Scott Clerk, William Shackleton, William Smith, Thomas Smith, Thomas Smith of Newton, Christopher Sowermire Clerk, Benjamin Stocks, William Serjeantson, Henry Shawe, William Setwell, Charles Turner, William Thornton, Richard Townend, Henry Thorpe, William Thorpe, Willam Thorpe the younger, Richard Towne, William Todd, Thomas Taylor, Thomas Taylor the younger, John Taylor, Joseph Thornes Clerk, John Tinker, Tedbar Tinker, Uriah Tinker, Ebenezer Tinker, Thomas Thwaites Clerk, Thomas Thornhill, George Thornhill, Colonel Edmund Winn, Rowland Winn, Edmund Winn, Edward Wortley, Edward Wortley the younger, Thomas Wentworth, Godfrey Wentworth, Peregrine Wentworth, Francis Wood, Robert Wood, William Wood, William Wrightson, Andrew Wilkinson, Richard Wilson the younger, Thomas Wordsworth, John Wilson, William Wilson, George Walker, Edmund Withers Clerk, George Wood Clerk, Jonathan West, John Wainwright, James Walton, John Walton, Joshua Wilson, Abraham Woodhead, John Woodhead, Thomas Woolfinden, John Woolin Clerk, John Wilson the younger, Henry Wood Clerk, Francis Wood the younger, Charles Wood, William Whortley, shall be, and they and their

Successors are hereby appointed Trustees for surveying, ordering, widening, amending, and keeping in Repair, the said Roads, and also for putting in Execution all other the Powers by this Act given.

Trustees may erect Turnpikes and Toll-houses,

And it is hereby further enacted and declared, That the said Trustees and their Successors, 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, One or more 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, and to remove or alter the same, as they the said Trustees, or any Nine or more of them, shall, from time to time, think meet or expedient; 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 following; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Curricle, Hearse, Calash, or Chaise Marine, drawn by Six Horses, or other Beasts, Two Shillings; and drawn by Four Horses, or other Beasts, One Shilling and Six Pence; and drawn by Two Horses, or other Beasts, Nine Pence.

And for every Chaise or Chair, drawn by Two Horses, or other Beasts, Nine Pence; and drawn by One Horse, or other Beast, Four Pence Half-penny.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four 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 drawn by One Horse, or other Beast of Draught, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Pair of Mill-stones, if drawn in Pairs, and every single Mill-stone or Block of Stone, or Piece of Timber, drawn by Five or more Horses, or Beasts of Draught, Two Shillings and Six Pence.

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

For every Drove of Calves, Swine, Sheep, or Lambs, Five Pence per Score; and so in Proportion for any greater or less 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 Seven 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 Seven 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. 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 Seven or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted and made payable, into such and so many equal Shares and Proportions, to be taken, collected, and received, at such and so many of the said Turnpikes or Toll-gates as to the said Trustees, or any Seven 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 Seven or more of them, or any such Person or Persons as they, or any Seven 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 Tolls may be levied by Distress and Sale.

by Distress of any Horse or Horses, or other Cattle, or Goods, upon or on account, or in respect of which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chattles 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 reasonable Charges for distraining, detaining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 5 Days.

And be it further enacted by the Authority aforesaid, That the Money arising from the Tolls and Duties, by virtue and in pursuance of this Act, or that shall be borrowed on the Credit thereof, shall by the said Trustees, or any Seven or more of them, be applied and disposed of, First, for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act; and then for the erecting such Turnpikes, Toll-gates, and Toll-houses, as the Trustees for the time being, or any Seven or more of them, shall think proper to erect in pursuance of this Act; and afterwards, and subject thereto, for the amending, repairing, widening, and keeping in Repair, the said Road.

Application of the Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be taken at any Toll-gate or Toll-bar, which shall be erected or set up upon any Part of the said Road hereby directed to be repaired, until the Sum of Three thousand Pounds shall be lent upon the Credit of the Tolls or Duties hereby granted.

No Toll to be collected till 3000 *l.* be borrowed.

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, Way, or Path, with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or riding, leading, or driving, any Horse, 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,

Penalty on Persons permitting, or going through, private Passage,

and

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, who are hereby impowered to administer such Oath, 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 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 Offender's 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 Owners of the Goods so distrained.

Reservation of Rights.

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 Politic 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 any of the said Highways or Roads, 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 imposed and 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.

Tolls to be paid but Once a Day.

Provided always, 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, Waggon, Wain, Cart, or other Carriage, Horse, or other Cattle, having paid the Tolls and Duties ap-

pointed by this Act to be taken, and who shall return, or pass, or repass, on the same Day through the same Toll-gate or Turnpike erected in pursuance of this Act, with the same Carriage or Cattle, shall be liable or 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.

Proviso.

Provided always, and be it further enacted, That no Turnpike shall be erected, or Tolls collected by virtue of this Act, upon Coln Bridge, or upon any Part of the said Road within the Distance of One Mile from the said Bridge; any thing herein contained to the contrary notwithstanding.

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 Persons 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, on the Day or Days of such Election, or on the Days next before and next after such Election; 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 or other Cattle, laden with, carrying, drawing, or empty and going for, or returning, having been laden on the same Day with 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; 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 any Post-horse carrying 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, 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 or other Cattle, Coach, Chariot, Chaise, Waggon, or other Carriage, which shall cross the said Road only.

Rents and Money, &c. applicable to repair the Roads, to continue so.

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, shall pay and apply 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 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, or their Treasurer for the time being, is hereby impowered to accept and receive of and from such Grantees, Trustees, Feoffees, and Committees, such Rents and Profits, and Money, as aforesaid, and to give Receipts and Acquittances for the same.

Persons chargeable to the Repair of the Roads 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 Highways or Roads hereby to be repaired, shall still remain chargeable, and do their respective Statute-work in the said Parishes in which the said Highways or Roads do 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.

And

Surveyors of the Highways to give in Lists of Persons who are chargeable to do 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 or 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 Two Days, for each Person, shall be done at such Times, and in such Manner, and on such Parts of the said Road hereby directed to be repaired, as the said Trustees, or their Surveyor or Surveyors, shall from time to time direct or appoint; and shall also 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 Four 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 required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds, as the said Trustees and their Successors, or any Five or more of them, shall order, direct, or appoint: 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;

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

and on Persons not performing Statute-work.

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, 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 and 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 found idle to be turned off.

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 Two Days Work in each Year, 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 herein to the contrary notwithstanding.

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

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

Trustees may compound with Parishes, &c.

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 Security 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 of the Roads therein comprised, 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, as aforesaid, if thereunto required by 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 of the County of York, within their several Jurisdictions (which Oath such Trustees, or any Five 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

and remove them, and appoint others.

Officers to account upon Oath.

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 Five 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 Monies arising by the said Tolls or Duties, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers, so appointed, for and in 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 or about procuring the said Highway or Road to be amended and repaired, by advancing and 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 Seven 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 West Riding of the County of York, within their respective Jurisdictions, 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 (and 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 Five or more of them, at any Meeting assembled, are hereby authorized and impowered to make.

Trustees to allow Officers Salaries.

Officers refusing to account;

Justices to inquire into the Default,

and commit the Offender to Gaol,

until he shall conform.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous

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

rituous Liquors, shall be capable of holding any Office to be made or erected by virtue of this Act.

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

And it is hereby further enacted, That it shall and may be lawful to and for the respective Surveyor or Surveyors, to be appointed for the said Road 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 Parts of any River or Brook, as are not within Thirty Yards Distance 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 (except Stones from Quarries open and in working, and Cinders) 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 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, 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 adjudge 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 making such Satisfaction for any other Special Damage to be occasioned by such digging, gathering, and carrying, as the 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.

without paying for the same;

levelling the Pits;

and where sufficient Materials are not to be there had, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Peace at their General Quarter Sessions to be holden in and for the said West Riding of the County of York, may and shall adjudge, assess, and finally determine the same.

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

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 acting as aforesaid, or any Person or Persons by him appointed, have got, 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, shall have made and 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 (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale) 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, 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 Ten Pounds, to be levied in Manner aforesaid.

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 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 Roads, 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 Five or more of them respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workman, 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 for putting the said Road into such Condition and Repair as by the said Contracts 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.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors to be appointed for, and to act within, the said Road, 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 Highway or 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 Roads; 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.

Surveyors may remove Annoyances,

cleanse Watercourses,

and cut down Trees, &c.

the Owners neglecting to do the same after Notice.

And

And it is hereby enacted and declared, That the Charges and Expences of such Works to be done by or by Order of such Surveyor or Surveyors (such Charges and Expences to be settled and ascertained by the said Trustees, or any Three 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 Owner or Occupier, 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, 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 be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained 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 for the said Riding, and which Oath the said Trustees, or any Five 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 to be reimbursed the Charges;

to be levied by Distress and Sale.

Penalty of a Second Offence.

And it is hereby enacted and declared, That it shall and may be lawful to and for the several 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 to cut and make Drains through any Grounds lying contiguous to any Part of the said Roads hereby directed to be repaired; and to erect, rebuild, and keep in Repair, any Bridge or Bridges in and upon, and to divert and turn, any Part of the Road hereby directed to be repaired, over any Lands or Grounds contiguous and adjoining thereto, or through which the said Road doth now pass; and also to widen any of the narrow Parts of the said Highway

Surveyors may make Causeways,

erect Bridges,

and widen the narrow Parts of the Road;

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 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 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 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 so 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, or within the Jurisdiction wherein such Ways shall be turned, or such Ground shall be laid into the said Highway or Road, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, Causeways, or occasional Road, shall be respectively erected or made, shall lie, 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 cleanse or scour 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

and make a temporary Road;

making Satisfaction to the Owners.

If the Owners shall neglect to scour their Ditches, after due Notice given for that Purpose,

Surveyors may set Men to do the same.

Man or Men to work, or 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 Watercourses, 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. and levy the Charge.

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, 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 Lands, Grounds, Tenements, and 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 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 of, or interested in, any such Lands, Grounds, Tenements, and Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for Satisfaction to be made them respectively for such their Land, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose 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 Bodies Politick, &c. may contract for the Sale of Lands, &c.

made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding; and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

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

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier, Body Politic, 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 Politic, 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 Fifty 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 any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of York (which Oath the said Trustees, or any Five 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, 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 or on account thereof; and for that Purpose, 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 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

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

mine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Five 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, and to use all other lawful Ways and Means, as well for their own as for 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 inquired 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, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disabilities whatsoever, Bodies Politic, Corporate, and Collegiate, as well as all other Person and Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any wise 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, in, to, 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 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 Five or more of them, shall swear, or cause to be sworn, Twelve, who shall

Verdict of the Jury to be binding and conclusive.

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

shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service, to 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, and 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, so as no such Fine do exceed the Sum of Five Pounds upon any One Person; 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; and shall be employed 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 hereby directed to be laid out and applied.

Trustees may impose a Fine on the 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, 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 Grounds, 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, and 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 compleated, 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 when purchased to be deemed a publick Highway.

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 of the said Road; be it further enacted, That the said 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 granted and made payable by this Act, as a Security for any Sum or Sums of Money by them to be borrowed for the Purpose aforesaid, unto such

Tolls may be assigned for Money borrowed.

Person or Persons, as shall advance and lend the same, or to his, her, or their Trustee or Trustees, by way of Mortgage, and as a Security for the Repayment thereof, with lawful or less Interest (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or Duties) and the said Money so borrowed, shall be applied and disposed of as the said Tolls or Duties raised and collected by virtue of this Act, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Assignments 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 of the said Road, wherein the Tolls so mortgaged as aforesaid shall arise, and be collected; and the 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.

Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of the Tolls to be collected within the said Road, unless Notice be for that Purpose fixed, in Writing under the Hand of the Clerk to the said 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,

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 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, Landau, Berlin, Chariot, Calash, Chaise, Curricle, Hearse, Chaise Marine, Chair, Waggon, Wain, Cart,

or taking off Horses, &c.

to avoid Payment of the Tolls.

or

or other Carriage, Horse, or other Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every such Person so offending shall, for every such Offence, forfeit and pay to the Trustees of the Road wherein such Offence shall be committed as aforesaid, 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 and 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, Justice or Justices, respectively, is and are hereby impowered and required to administer; and the Penalties and Forfeitures, when recovered, shall go and be applied, and laid out, for and towards the amending the said Road whereon, or in regard to which, the said Offence shall be committed, 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, with Consent of the Creditors, may lessen the Tolls, &c.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, 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 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

and raise them again.

of

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 such Reduction, shall have any Money secured thereby, and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein 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 and after the First Day of June, One thousand seven hundred and fifty nine, 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, and 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, 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.

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 Seven 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 within the said Road, of their Intent to let and set such Tolls or Duties, at least Twenty Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the Tolls and Duties granted and made payable as aforesaid, 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 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 Seven or more of them, shall direct or appoint; which yearly Rent or Sum of Money so to be paid, shall be applied

plied and disposed of as the Tolls and Duties granted by this Act are directed to be applied to 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 any Writing or Writings under their Hands and Seals, without any Stamp Duty thereon, to contract with any Person or Persons for the 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 or 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 within their several Jurisdictions, 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 mentioned and contained.

On Death or Removal 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 to, and joined with, the said Trustees, so electing, in the Execution of the several Powers in them reposed by virtue of this Act; 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

20 Days Notice to be given of such Election.

shall be then erected by virtue of this Act, at least Twenty 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 are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so electing, are by this Act impowered to do, and so, from time to time, as Occasion shall be or require.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any of their public Meetings as aforesaid, 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, Coach, Chariot, Landau, Berlin, Curricle, Chaise, Hearse, Chair, Waggon, or other 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.

Minutes of all which 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 of the said Road; 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 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 West 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, 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 Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which 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 and 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 mending the Highways.

Time and Place of Trustees Meeting.

And it is further enacted by the Authority aforesaid, That the Trustees herein before appointed for putting this Act in Execution, or any Nine or more of them, shall meet together at the House of John Smith, being the Sign of the Horns, in Barnsley, in the said County, upon Monday Three Weeks after the passing of this Act, and proceed to the Execution of this Act; and that the Trustees so assembled at such First Meeting, shall and may adjourn in such Manner, that the Meetings to be thereafter had for repairing and amending the said Road shall and may be held by a sufficient Number of Trustees: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to another Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed at the respective Gates or Turnpikes to be erected on the said Road, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting

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

of

of the said Trustees ought to have been 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 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.

Trustees to defray their own Expences.

No Trustee to accept of a Place or 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 Receipts of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds, or possessed of, or intitled to, a Personal Estate to the Amount of Three thousand Pounds, or of a Real and Personal Estate together, of the Value of Three thousand 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 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.

Penalty on Persons acting, if not qualified.

Road 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 denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And

if

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 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 Oath of One or more credible Witness or Witnesses, before the said Trustees of the said Road, or any Five or more of them, or One or more Justice or Justices of the Peace for the said West Riding, 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 or 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 the said Road where the said 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 or 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 Month.

Penalty on defacing Milestones, &c.

to be levied by Distress and Sale.

For want of Distress the 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 or Trustees for the putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them,

Writings to be without Stamps.

or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, 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 and 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 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 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, or 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 Assignment, 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 thereof; 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.

Assignments 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 of the said Road, 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 or Books to be kept for that Purpose by the Clerk of the said Road; which 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; and such Orders so entered being signed by the Clerk appointed for the said Road, 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 Six Months, to appeal to the Justices of the Peace at their General Quarter Sessions to be held for the said West Riding, 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 on, 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 such sufficient Distress, to commit the Party to the House of Correction for the West Riding of the County of York, or until Payment of such Costs shall

Persons aggrieved, &c. may appeal to the General Quarter Sessions;

Notice of Appeal to be given.

shall be made; and the Persons so appealing as aforesaid, shall, and they are hereby directed to give 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 shall, within Ten Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the Riding 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.

Security to be given to prosecute.

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 an 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 Road, 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 and 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 as aforesaid, or after the Time limited for bringing the same

General Issue.

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: Conviction 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 and widening the Road leading from the East Side of* Barnsley Common, *in the County of* York, *to the Middle of* Grange Moor, *and from thence to* White Cross; *and also the Road from the Guide-post, in* Barugh, *to a Rivulet called* Barugh Brook, *and from thence for Two hundred Yards over and beyond the same Rivulet or Brook into the Township of* Cawthorne, *in the said County*; specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be. Form of Conviction.

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

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Proceedings not to be quash'd for want of Form,

Which said Form and Conviction, or any of the Proceeding or Proceedings to be had, touching the Conviction of any Offender or Offenders against this present Act, or 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.

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.