Anno tricesimo tertio

Georgii II. Regis.

An Act for diverting, altering, widening, repairing, and amending, the Roads from the Town of *Halifax*, and from *Sowerby Bridge*, in the County of *York*, by *Todmorden*, to *Burnley* and *Littleborough*, in the County of *Lancaster*.

WHEREAS the Highways or Roads from Halifax, in the County of York, by Todmorden, to Burnley and Littleborough, in the County of Lancaster, and from the said Road at or near Luddenden Foot, to Sowerby Bridge, are, in many Parts thereof, extremely rough and incommodious, and, in many other Parts thereof, not only ruinous and dangerous to Travellers, but, by reason of the Height and Steepness of many Hills, over which the same are now carried, almost impassable for Wheel Carriages; and besides are, in general, so narrow, that Two Wheel Carriages cannot safely pass by each other; yet, by deviating in some Places from the common Road, the Height and Steepness Preamble.

of the Hills may be avoided, and, by enlarging and widening the said Roads in other Places, a safe, easy, and commodious Road may be made, and thereby a much more easy, extensive, and advantageous Communication may be effected, through that populous and trading Country, which, in the present Condition of the said Roads, is, in many Parts thereof, scarce accessible; and as the Laws now in being are insufficient for the diverting, altering, widening, repairing, and amending, the said Roads, so as to put them in a Condition commodious and safe: Therefore, and to the Intent that the said Roads may, with all convenient Speed, be properly and sufficiently altered, widened, amended, and hereafter kept in good Repair, so that all Passengers may travel along the said Roads with more Expedition and Safety; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Lord Viscount Downe, in the Kingdom of Ireland; the Right Honourable Lord Viscount Gallway, in the Kingdom of Ireland; the Right Honourable John Lord Pollington, in the Kingdom of Ireland; the Right Honourable George Carey, the Honourable and Reverend John Stanley Rector of Bury, Sir George Savile, Sir Rowland Winn, Sir Walter Blackett, Sir George Armytage, Sir William Lowther, Sir William Wentworth, Sir John Ramsden, Sir John Lister Kaye, Sir Lionel Pilkington, Sir William Meredith, the Reverend Sir John Moseley, Sir Ralph Asheton, Sir Henry Ibbetson, Sir George Dalston, Sir George Strickland, Sir William Milner, Sir Brian Cooke, Sir Charles Sheffield, Sir John Ingleby, Sir Henry Slingsby, Baronets; Sir Ellis Cunliffe Knight, Peter Bold, Francis Reynolds, Nicholas Fazakerley, Edmund Starkey, Charles Pole, Peter Legh, Randle Wilbraham, the Honourable Richard Barry, Thomas Lister, Asheton Curzon, Samuel Egerton, James Winstanley, Richard Acklom, Robert Allenson, Henry Athorpe, John Arthington, Robert Arthington, James Aspenal, John Aldcroft, Jonathan Acklom, George Armytage, John Ashton, Samuel Acton, William Alexander, Joseph Allen, Robert Ayrton, Richard Allen, James Ambler, Thomas Arrowsmith, Roger Allen, Henry Atkinson, John Atkinson, Stephen Atkinson, John Armitage, George Armitage, Samuel Armitage, James Allott, Bryan Allott Clerk, Thomas Arthington, Charles Allanson, John Baldwin,

Trustees Names.

William Baldwin, Benjamin Bartlett, Peter Birt, Joſeph Bright, Richard Burton, John Bradſhaw, James Bayley, Edmund Barker, Edmund Barker junior, Barnard Biſhcoff, Thomas Barſtow, Roger Brandwood, John Bamford, Samuel Brooke, John Brooke, John Brooke, Joſeph Bilton, Hans Buck, Thomas Buckley, Joſeph Baker, Thomas Batterſbee, Gabriel Brooke, George Bell, Francis Blaydes, John Blaydes, James Burnell, Thomas Birch, Joſeph Birch, Aſhton Blackburn, Robert Benſon, William Blackburne, William Bowes Eſquire, John Clavering Miles Bower, Benjamin Bower, Richard Broome, John Broome, Edward Burron, Edward Byrom, Chriſtopher Byron, Timothy Battie, Richard Beaumont, Samuel Burroughs, Muſgrave Briſco, William Bamford, Daniel Bayley, Robert Booth, Ralph Brown, John Buckley, Ralph Banks, Richard Barton, Samuel Bayley, Joſiah Birch, Robert Birch, Thomas Boardman, Samuel Bower, John Bower, William Beckwith, William Broome, John Bullock, William Burron, Edward Byrom the younger, Richard Barlow, Thomas Barlow, Peter Baron, Robert Booth, Samuel Baron, Roger Booth, James Barlow, Godfrey Boſville, William Beaumont, William Brookes, Thomas Beaumont, James Burnell, Arthur Burton, Richard Buxton, William Beatſon, Jeremiah Barſtow, William Beatſon of Hallingthorpe, Samuel Barnes, Henry Blackmoor, John Caygill, Richard Cooke, Anthony Cooke, Nathaniel Cholmley, Edward Chetham, Thomas Chadwick, John Clough, Thomas Clowes, Edward Coke, James Clegg, John Clough, John Cookſon, William Clowes, John Clayton, Otho Cooke, William Cockcroft, Iſaac Crewdſon, Henry Cockcroft, Nicholas Coulthurſt, Henry Cockcroft Burtew Matthew Coulthurſt, William Cockcroft, Job Staunton Charlton, William Cockcroft, Benjamin Cooke, Thomas Cockcroft, James Cooke, Henry Cockcroft, Thomas Cotton, John Croſley, Henry Cunliffe, Anthony Croſley, Anthony Croſley younger, Luke Croſley, John Chadwick, Samuel Clowes, Joſeph Clowes, Joſeph Champion, James Clough, John Clowes, Samuel Clowes the younger, John Cooke, Thomas Crompton, John Cockſhut, Richard Cotton, George Cotton, John Cookſon Doctor of Phyſick, William Crowle, John Dearden, George Dunſton, John Dyſon, Simon Dearden, James Dawſon, William Dawſon, John Dickenſon, John Diggles, Jeremiah Dixon, Samuel Davenport, John Dawſon, Samuel Dyſon, Thomas Diggles, James Dearden, Charles Downs Clerk, Henry Dickanſon, John Dickenſon the younger, Robert Deniſon, Thomas Deniſon, William Deniſon, William Danby, Edward Elmſall, Robert Entwiſle, James Edge, Samuel Edgley,

Anthony Eyre, Robert Entwiſle the younger, William Edge, William Ethelſtone, Vincent Eyre, Thomas Eaſtwood, John Finch Eſquire, James Farrer, Abraham Frith, Joſhua Fielden, Jonathan Fildes, Thomas Ferrand, John Fletcher, Charles Ford, James Fletcher, Benjamin Ferrand, Abraham Fielden, William Foſter, John Fielden, Freeman Flower, John Forth, Abraham Fletcher, Henry Fielden, Litchford Flitcroft, William Fowden, John Fox, Edward Fenton, Thomas Fenton, James Fenton, William Fenton, James Foulds, William Greame, John Greenwood, Ambroſe Greenwood, Edward Greaves, John Grimſhaw, Benjamin Gaſkell, John Gatliffe, Robert Gardſide, John Gorton, James Greatrix, James Greame, Richard Gore, William Greenwood, Daniel Gaſkill, Abraham Gibſon, Edward Gregg, John Greenwood, John Gatley, Thomas Gardner, James Gibſon, Edward Goddard, Abraham Gibſon, James Gorton, John Greaves, Henry Greenwood, James Green, William Greenwood, Slack Harpum Green, John Greenwood, Richard Green, William Greenwood, Thomas Gill, John Greenwood, Edward Gower, John Haigh, John Horsfall, Stanhope Harvey, John Horsfall of Dewſbury, John Helliwell, Richard Hey, Henry Horsfall, Samuel Harper Clerk, William Hird, Samuel Hill, Henry Hitch, William Horton, John Huſtler, William Horton, John Hamer, Richard Hill, Robert Holt, John Hutchinſon, Joſeph Haigh Clerk, William Holt, Thomas Holme, John Hargreaves of New Church, John Hadfield, Richard Hall, Anthony Hall, James Hall, Robert Hamilton, James Hardman, Jeffry Hart, Charles Halſtead, John Harriſon, John Heywood, Robert Hibbert the younger, William Haigh, Walter Hawkeſworth, John Hewett, Richard Hill, Nathaniel Holden, Joſhua Horton, Abraham Haworth, Hallows Hamer, Samuel Hill, Thomas Holt, Thomas Hutchinſon, Joſeph Holden, Edmund Holme Clerk, Edmund Holme the younger, John Halliwell, John Howorth, John Hague, Edward Hall, James Hamer, William Hampſon, John Hardman of Mancheſter, William Heginbotham, Robert Hibbert, James Hilton, James Hodſon, Richard Holme, Robert Hyde, Robert Higginſon, Thomas Hutchinſon, Edward Holme, Robert Holt the younger, Samuel Haworth, John Huchinſon, Richard Hargreaves, Robert Harper, Samuel Harper, John Hawkeſworth, Gilbert Holden, John Holden, John Holden the younger, John Halſtead, William Holt, Henry Halſtead, Charles Ingram, Thomas Johnſon, George Johnſon, Cyril Jackſon, Avery Jebb, William Johnſon, William Ingram, Walter Joddrell, Alan Johnſon, Richard Kaye, Ralph Knight, John Kaye, George Kenyon, Marſden Kenyon, Thomas

Thomas Kay, Thomas Kirkham, William Kirk, Samuel Kay Doctor of Physick, Robert Kay, John Kenworthy, Edward Kenyon, Ralph Kirkhall, Ralph Kirshaw, Samuel Kirshaw Clerk, John Ingham, Jonas Ingham, John Knowles, George Fox Lane, William Lamplugh Clerk, George Legh Doctor of Laws, John Lister Clerk, Samuel Lister, George Lloyd, Henry Lonsdale, John Lord of Broad Clough, Edward Leeds, Samuel Lister, Japhet Lister, John Lister, Miles Lonsdale, Thomas Lee, George Lumley, Thomas Lodge, Edmund Lodge, James Lancashire, Edmund Lord of Greave, Edmund Lord of Rochdale, John Leach, John Lea, John Lees, Samuel Lees, Robert Livesay, Henry Lonsdall, William Lawson, Lawrence Lord, John Lord, George Law, John Lee, James Liptrot, Thomas Locker, John Lancashire, Robert Lane, William Lowther Clerk, Edwin Lascelles, Daniel Lascelles, Henry Lascelles, Jonas Lister, Timothy Lee Doctor in Divinity, John Lister of Bawtry, John Lomax, Banastre Walton, Ambrose Walton, John Masson, James Maud, William Mellish, Robert Milnes, Pemberton Milnes, Peter Mainwaring Doctor of Physick, Thomas Marriott, James Mills, Joshua Marriott, Edward Markland, James Marsden, Samuel Meller, John Moss, John Murgatroyd, Darcy Molyneux, Richard Micklethwait, Richard Markham, George Mason, Daniel Maud, Charles Milner, Francis Milner, Joseph Milner, Lancelot Myers, Thomas Morley, Charles Mellish, John Milnes, Bacon Morritt, John Marriott, Robert Mills, John Mills, John Markland, Wyant Marriott, James Massey, James Mallor, James Magnal, Thomas Medhurste, Thomas Maude, William Maud, William Marsden, Thomas Marsden, William Marsden the younger, John Micklethwait, John Milnes, James Milnes, Richard Mitchell, Jonathan Nicholl, Thomas Nuttall, Robert Nuttall, George Nelson, Josiah Nicholls, Richard Nangreave, John Nuttall, Posthumus Nixon, Anthony Noguier, Lawrence Newall, Charles Newdigate, Richard Nicholls, James Nelthorpe, Fletcher Norton, Francis Norton, Nowell, Read Ralph Nowell, Robert Ord Lord Chief Baron of Scotland, William Osbaldeston, Abel Olham, John Ormerod, William Ormerod, John Ord, George Oates, Josiah Oates, Samuel Oates, George Osbaldeston, James Oldham, Aaron Orme, Peter Ormerod, Joseph Ormerod, Theophilus Ogden the younger, George Ormerod, Thomas Percival, Harrison Pilkington, William Prescott, Henry Pawson, William Priestly, George Perrot, William Preston, John Priestley, John Parker, Samuel Powell, Jonathan Patten, Richard Pattison, Nathaniel Phillips, Thomas Parker, John Pilkington, John Pointon, John

John Prescot, Thomas Percival, Thomas Pigatt, Thomas Parrott, Jonathan Patten **the younger**, Thomas Philips, William Plant, Michael Pilkington, Metcalfe Proctor, Thomas Pulleyn, Edward Prince, Edward Parker, Robert Parker, Thomas Parker, James Parkinson, William Radcliffe, Ingram Ryder, Abraham Radcliffe, Robert Ramsden, Jeremiah Rawson, Richard Richardson, John Roebuck, William Rooks, John Royds, Charles Radcliffe, John Ramsden, John Ramsden, Christopher Rawson, William Westbrooke Richardson, Jeremiah Royds, Richard Royds, Robert Royds, William Royds, Samuel Ridings, Nathan Rosbotham, John Rigby **the younger**, John Robinson, Robert Robinson, James Rothwell, John Royds, Peter Rasbottom, Dorning Rasbotham, John Rigby, Josiah Roberts, Samuel Robinson, Francis Reynolds, Robert Reymer, John Riddale, James Riley, Samuel Sandford **Clerk**, John Sylvester Smith, William Southern, Robert Stansfield, Valentine Stead, Thomas Stead, James Starkey, George Stansfield, John Smith, John Scholefield, Joseph Smallwood, James Stringfellow, Roger Sedgwick **the younger**, George Scholes, Richard Scholes, Jonathan Staniforth **Esquire**, William Starky, Thomas Stott, John Smith, Thomas Smith **Clerk**, John Stanhope, David Stansfield, Valentine Stead **the younger**, Henry Scott, Robert Smithson, John Shepley, John Scatchard, Walter Stanhope, John Starky, Joseph Starky, Thomas Stead, Walter Stanhope **of** Leeds, John Suttell, Richard Stephenson, Isaac Smith, Nicholas Shuttleworth, Edmund Smith, Roger Sedgwick, Samuel Scholes, Robert Scholes, Thomas Scholes, Edward Smalley, John Stott **of** Manchester, John Stott, Samuel Shore, Samuel Shore **the younger**, William Stamforth, John Smith **of** Heath, John Sylvester Smith, Joseph Steer, Sidney Swinney **Clerk**, John Stanhope, Peter Simon **Clerk**, Thomas Strother, William Serjeantson, Turner Standish **Clerk**, John Sutcliffe Hoohoyle John Sutcliffe, Stansfield Hall, Richard Sutcliffe, Thomas Thornhill, Thomas **Clerk**, Charles Turner, John Touchet, Robert Taylor, Samuel Taylor, Samuel Taylor **the younger**, Richard Townley **the younger**, **the Reverend** Samuel Townson **Clerk**, Richard Taylor, John Taylor **of** Manchester, Samuel Taylor **of** Moston, John Taylor **of** Crumpsall, Thomas Tipping, Nicholas Torr, William Topham, Christopher Topham, William Tottie, Peter Touchet, John Taylor **of** Smethurst, William Thompson, William Turner, William Turner, Thomas Touchet, John Taylor, James Taylor, Richard Townley, Humphrey Trafford, Charles Turner, Ralph Taylor, **the Reverend Doctor** Tunstall **Vicar of** Rochdale, Samuel Taylor, Joshua Taylor, Robert

bert Thyer, Thomas Tipping the younger, Samuel Touchet, John Townſend, Abraham Taylor, William Todd, John Upton, Charles Townley, Thomas Townley, Edmund Townley, William Thomas, Abraham Thomas, Allen Viger, John Vavaſour, William Utley, Walter Wade, John Walker, Thomas Wentworth, Peregrine Wentworth, John White, Richard Wilſon the younger, John Woolmer, Wrighte, John Wood, George Walmeſley, the Reverend Abel Ward Archdeacon of Cheſter, James Walker, Edward Walker, William Walker, Michael Walton, Banaſtre Walton, Woodyeare Eſquire, Ambroſe Walton, Wordſworth Eſquire, Thomas White, Charles White, James Winterbottom, Peter Worſley, William Walker, John Waterhouſe, Godfrey Wentworth, James Wetherherd, Taylor White, Thomas Wilſon, William Wrightſon, John Whitworth, John Walmeſley, John Whiteley, Richard Wilſon, Thomas Woolrich, John Wilks, Thomas Whitaker of Simonſtone, Henry Wrigley Clerk, James Walker Doctor of Phyſick, Woodfield Beckwith, Peter Walker, Robert Whitaker, William Whitaker Clerk, Thomas Walker, James Walmeſley, Michael Walton the younger, John Wilſon, Richard Wordſworth, Colonel Edmund Wynn, Rowland Wynn, John Wade, Edward Wortley, Edward Wortley the younger, Francis Wood, William Wood, William Wrightſon, Benjamin Wilſon Clerk, Thomas Wilſon Clerk, James Wilkinſon Clerk, Andrew Wilkinſon, Henry Wickham Clerk, Field Silveſter Wadſworth, William Watſon, Ephraim Winn, Richard Wilkinſon, Edmund Wilkinſon the younger, John Yorke, Henry Zouch Clerk, William Alexander, John Alexander, Thomas Ayked, John Butterworth, Abraham Balme, Thomas Buſfield, William Banks, Charles Booth Clerk, Jeremiah Batley, John Batley the younger, John Brumley, Joſeph Brumley, Daniel Dyſon, Henry Dyſon, John Dyſon, John Dyſon, Samuel Dyſon, Richard Ecroyd, Henry Ecroyd, Richard Emmott, Joſeph Farrer, Iſaac Farrer, John Fell, Aſcough Fawkes, Francis Fawkes, Richard Farrer, John Field, James Farrer, Francis Liſter, William Birckbeck, John Birckbeck, Luke Greenwood, James Greenroyd, John Greame, Elkana Hoyle, John Howarth, Joſiah Horton, Jeremiah Holdroyd, Richard Hopwood, Elkanah Holdroyd, Thomas Hirſt, Henry Horsfall, Nathaniel Holden, Richard Holden, John Holden, John Hamerton, William Hall, Thomas Hall, Luke Hoyle, John Holt, Thomas Holt, John Holt, John Hartley, William Hartley, Hargreaves Hanſon, John Kenworthy, John Kirſhaw, John Keighley, James Liſter, Jonathan Laycock, Joſuah Laycock, William Moor the younger, John Moor, Nathaniel Moor, John Martin, Thomas Martin,

Thomas Milne, Thomas Murgatroyd Clerk, John Mason, Thomas Oldfield, Thomas Oldfield the younger, Timothy Oldfield, Robert Parker Esquire, Robert Parker, William Parker, Edward Parker, Robert Parker, Jonathan Priestly, Robert Parker, Richard Royds, John Radcliffe, Jeremiah Riley, John Ramsden, William Rawson, James Riley, Jeremiah Rawson, George Riley, Hanson Rowndall, John Richardson, Jonathan Rayne, William Sutcliffe, James Stoven, John Simpson the younger, William Sagar of Southfield, William Sagar of Catlow, Richard Sagar, Henry Sagar, Richard Thomas, John Tilletson, Josuah Tilletson, Richard Towne, Richard Taylor, George Thornhill, Hugh Tilletson, John Wortson Clerk, Israel Wild, John Wood, Joseph Wells, John Walker, James Walton, Michael Wainhouse, John Wheelright, Joseph Wilkinson, John Wells, Christopher Wetherherd, John Whitaker, James Wighesworth, Thomas Wilkinson, William Wood, John Wirtson, Ephraim Winn, John Winn, John Woolmer, shall be, and they and their Successors are hereby appointed Trustees for surveying, ordering, altering, widening, amending, and keeping in Repair, the said Roads, and for putting in Execution all other Powers by this Act given.

Turnpikes and Toll-houses vested in the Trustees.

Trustees may erect Turnpikes and Toll-houses;

And it is hereby further enacted and declared, That the said Trustees and their Successors, or any Seven or more of them, or such Person or Persons as they, or any Seven 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 Seven 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 pay 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,

No Turnpike and take the following Tolls the next and during all

Tolls to be paid but once a Day.

The Tolls.

For every Horse, or other Beast, drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Six Pence.

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

For

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Three Pence per Score, and so in proportion for any less Number.

And for every Drove of Calves, Sheep, Swine, or Lambs, Five Pence per Score, and so in proportion for any less Number.

And be it further enacted by the Authority aforesaid, 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. Turnpikes and Toll-houses, &c. vested in the Trustees; and to bring Actions, &c.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to give any Authority to place or erect any Bar or Turnpike-gate upon the old Road between the Places called Allowscols-Rake and Fetherstall, or at either of the same Places. No Turnpike to be erected between *Allowscols-Rake* and *Fetherstall*.

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 or Duties appointed by this Act to be taken, and who shall return or pass or repass on the same Day through the same Toll-gates or Turnpikes erected in pursuance of this Act, with the same Carriage, Horse, or Cattle, shall be liable or compellable on the same Day to pay the Toll or Duty Tolls to be paid but Once a Day.

more

more than Once at the same Toll-gate or Turnpike on the said Road.

No Turnpike to be erected between *Mythom Bridge* and *Burnley*.

Provided always, and be it further enacted, That no Turnpike shall be erected, or Tolls collected, by virtue of this Act, upon that Part of the present Road leading from a Place called Mythom Bridge, up Rawtonstall Bank, to the Town of Burnley; any thing herein contained to the contrary notwithstanding.

Tolls may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, for the time being, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof, neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or any other Cattle or Goods, upon or on account of, 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 detain and keep the same, until such Tolls and 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 Four 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 4 Days.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Lands or Tenements near to any of the said Turnpikes, shall permit any Person or Persons to pass through any Fields, Grounds, Inclosures, or private Way, with any Coach, or other Carriage, or Horse, or other Cattle; or if any Person or Persons shall pass through any such Field, Ground, Inclosures, or private Way, with any Coach, or other Carriage, or Horse, or other Cattle, as aforesaid, whereby the Payment of any Toll, appointed by this Act, shall be avoided; or if any Person or Persons shall unload, or cause to be unloaded, any Goods, or other Merchandize; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any

or taking off Horses.

Carriage,

Carriage, with an Intent to avoid paying any of the said Tolls; or shall leave, or cause to be left, upon or near to any of the said Roads, any Cattle or Carriage, as aforesaid; or shall conceal or secret any Goods, or other Things, chargeable with Toll, with such Intent as aforesaid; every Person so offending in any of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings. to avoid Payment of the Tolls.

Provided also, and it is hereby further enacted and declared, That no Toll shall be collected or taken on the Day or Days of Election for a Knight or Knights of the Shire to serve in Parliament for the Counties of York or Lancaster, nor on the Day before or Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Waggon, or other Carriage, Horse, or other Cattle, loaded with, or carrying Gravel, or other Materials, for widening and repairing the said Roads, or any Road in any of the Townships, Hamlets, Parishes, or Places, wherein the same do lie; or laden with Timber, or other Materials, for building or repairing Houses, Outhouses, or Fences, situate and being in the several Townships, Hamlets, or Places, in which the said Roads do lie; or laden with Hay, or Corn in the Straw, being the Produce of the Lands of any of the Inhabitants of the several Townships, Hamlets, or Places, in which the said Roads lie, and going to be laid up or stacked in the Houses, Outhouses, Barns, Yards, or Grounds, of any of the Inhabitants of the said several Townships, Hamlets, or Places, in which the said Roads lie; nor shall any Toll be taken of any Person residing in any of the Parishes or Places in which any of the said Roads lie, who shall pass through any Turnpike or Gate to or from Church, or other Places of religious Worship, on Sundays, or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes or Places; nor shall any Toll be taken for any Horse or other Cattle drawing Ploughs, Harrows, or any other Implements of Husbandry, for the manuring, improving, or stocking, of Land; or for the Corn or Grist carrying to or from any Mill in any of the said Places; nor for any Cloth, or other Woollen Stuff, carrying to or from any Fulling Mill; nor for any Horses or Cattle going to or returning from Plough, Pasture, or Watering-places; nor for the Horses of Soldiers upon their March, nor for Carriages attending them; nor for any Horse or Carriage having the publick Mail or Packet; nor for Horses or Carriages travelling with Vagrants sent by Passes: And if any Person shall claim, and take the Benefit of, any Exemptions from Tolls. Penalty on making illegal Claims.

any of the Exemptions aforesaid, not being intitled thereto, such Person shall forfeit and pay the Sum of Forty Shillings.

No Toll to be taken for crossing the Roads 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.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, at any Meeting, compound or agree, for any Time not exceeding One year, with any Person using to travel the said Roads with any Coach, or other Carriage, or any Horse, or other Cattle, for such Sum of Money, to be paid in such Manner as the said Trustees, or any Seven or more of them, shall think reasonable and proper.

Trustees may lease, &c. the Tolls.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to Farm let, the Tolls to be collected and recovered by virtue of this Act, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, upon Fourteen Days Notice in Writing, to be fixed on all the Turnpikes to be erected by virtue of this Act, and upon the Market Crosses of the said Towns of Halifax and Burnley, for the best Rent, Income, and Advantage, they can get for such Tolls, to be payable to the said Trustees, or to such other Person or Persons as any Seven or more of them shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained, as the said Trustees, or any Seven or more of them, shall think proper and requisite; and which said Rent or Income, to be paid by virtue of such Leases as aforesaid, shall be applied and disposed of in such manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, to borrow such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and, by Writing under their Hands and Seals, to assign over or mortgage the said Tolls, and the yearly or other Income of such

Tolls,

Tolls, or any Part thereof (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such respective Tolls, and yearly and other Income) for any Time or Times during the Continuance of this Act, as a Security for the Re-payment of such Sum or Sums of Money as shall be borrowed, to the Person or Persons, and his, her, and their Trustees, who shall advance and lend the same, with Interest; but no Money shall be borrowed by the said Trustees, on the Credit of the said Tolls, or yearly or other Income hereby granted, after any Turnpike or Turnpikes shall be erected by virtue of this Act, unless Notice, in Writing, be for that Purpose affixed upon all the Turnpikes erected by virtue of this Act, and upon the Market Crosses of the said Towns of Halifax and Burnley, Twenty Days before the borrowing of such Money.

Notice to be given of borrowing Money.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, as a Security for any Sum or Sums of Money, by any Person or Persons whatsoever lent and advanced on the Credit of the said Tolls, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by 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 Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpose, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall order and direct; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment,

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Trustees may separate, and apportion the Tolls.

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 hereby granted and made payable, into so many Shares and Proportions as to such Trustees, or any Seven or more of them, shall seem meet and expedient; and such Parts of the said respective Tolls shall be taken and received at so many of the said Turnpikes as by such Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

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

Provided always, and be it hereby 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, by and with the Consent of the respective Mortgagees and Lessees of such Tolls, in Writing first had and obtained, at a General Meeting to be called for that Purpose (whereof Thirty Days publick Notice in Writing shall be affixed upon all the said Turnpikes, and at the Market Crosses of the said Towns of Halifax and Burnley) from time to time to lessen or reduce all or any of the Tolls hereby granted, and afterwards to raise and augment the same, so as not to exceed the Sums hereby granted; and the Tolls so lessened and reduced, or augmented again, shall and may be collected and levied in such Manner, and applied to such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

Application of the Monies.

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 Five 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 and towards Payment for the several Lands, Grounds, Buildings, Tenements, and Hereditaments, to be purchased by virtue of this Act, for any upon account of altering, diverting, and widening, the said Road, and for the planning, measuring, and fencing out, of the said Road, and erecting the Turnpikes and Toll-houses thereon, or on the Sides thereof; and then for and towards the making, widening, repairing, and keeping in Repair, the said Road, and in discharging the Money borrowed by virtue of this Act, with the Interest thereof, and all the other necessary Charges attending the

altering, diverting, making, widening, repairing, and keeping in Repair, the said Road, and defraying the necessary Charges of executing this Act, so far as the same relates to the said Road, and to no other Use, Intent, or Purpose whatsoever.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And it is hereby further enacted and declared, That in case the said Trustees, or any Seven or more of them, shall, in their Judgement, think it more easy, safe, and commodious, for the Passage of Horses and Carriages, to divert and turn the said Roads and Highways over and through any Lands and Grounds, being the private Property of any Person or Persons, then, and in such Case, the said Trustees, or any Seven or more of them, are hereby authorized and impowered to contract for and purchase any Lands, Grounds, or Houses, Buildings, Tenements, or Hereditaments, situate in, upon, or near, the said Road, being the private Property of any Person or Persons, which they, or any Seven or more of them, shall think necessary to be purchased, in order to the amending, repairing, and widening, the said respective Roads, or to the diverting or turning the same, or any Part thereof; and to take a Conveyance of the said Lands, Grounds, Houses, Buildings, Tenements, and Hereditaments, in Fee to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint, in Trust for such Trustees and their Successors: and to the Intent the said Houses and Buildings shall and may be pulled down, and the Ground whereon the same stand, together with the other Lands and Grounds so to be purchased, shall and may be made use of, and shall be converted into and be made Part of the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall think convenient and proper; and the said Lands, so to be converted into and made Part of the said Road, shall be sufficiently ditched and fenced out for that Purpose, and from time to time repaired, out of the Money arising by virtue of this Act, by such Person or Persons as such Trustees, or any Five or more of them, shall order, direct, or appoint; and the said former Road, if the said Lands and Premisses so to be purchased, or any Part thereof, be to make any new Road, shall be sold by such Trustees, or any Seven or more of them, except it lead to, or communicate with, some other Town or Place; and the Money thereby arising shall be applied for repairing and amending the respective Road of which such old Road shall have been Part; and Conveyances of the said old Road, being executed by such Trustees, or any Five or more

Lands when purchased to be made Part of the Roads, and kept in Repair as such.

Old Road may be sold.

more of them, and inrolled with the Clerk of the Peace for the County, Riding, or Division, where the Road so sold and conveyed lies, shall be good and effectual.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Infants, Feme Covert, Feoffees or Lessees in Trust, or others, are or may be seised or possessed of Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, which by the said Trustees shall be thought necessary and proper to be purchased for the making the said intended Roads, and such Persons, Bodies Politick, Corporate, or Collegiate, Infants, Feme Coverts, Feoffees or Lessees, may be willing to treat or agree for the Sale of such Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments, but are or may be incapable of selling, granting, or conveying the same, by reason of Infancy, or other Disabilities; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Feme Covert, or others, and for all and every other Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Houses, Buildings, Tenements, and Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Sale or Alienation of the same, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, or other Persons, shall and may be indemnified for what they shall do by virtue of or in pursuance of this Act.

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

And it is hereby further enacted by the Authority aforesaid, That if it shall happen that any of the Owners or Occupiers, Bodies Politick, or Corporate, or Collegiate, or any other Person or Persons interested in the said Lands or Grounds, directed or intended to be purchased by virtue of, or under the Authority of, this Act, upon Notice to them given, or left in Writing at the Dwelling-house or Dwelling-houses, Place or Places of Abode,

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

of

of such Person or Persons, or of the chief Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant of the Lands or Grounds (not being the Ground whereon any House or Houses, or Buildings stand, or a Garden, Orchard, planted Walk, or Avenue to any House already planted, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees) so to be made Part of the said Roads as aforesaid, shall, by the Space of Two Calendar Months next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or any of them respectively, as aforesaid, or, by reason of Absence, shall be prevented from treating; then, in every or any such Case, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants, Precept or Precepts, to the Sheriff of the County where such Lands and Premisses shall lie, thereby commanding and requiring him to impanel and return a Jury of Twenty four substantial disinterested Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as, in such Warrant or Warrants, Precept or Precepts, shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, Twenty four substantial, disinterested Men of the said County, 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 all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen when they come to be sworn; And, out of the Persons so impanelled and returned, or out of so many of them as shall appear according to or upon the said Summons, the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace for the County, Riding, or Division, where such Lands and Premisses shall lie, shall swear, or cause to be sworn, Twelve; and, for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and disinterested Men of the Standers-by, or who can speedily be procured to attend that Service, so as to make up the Number Twelve; And the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whom it shall be thought proper and necessary to be examined as Witness or Witnesses touching

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

Jurors may be challenged.

Witnesses to be summoned, and examined upon Oath.

ing or concerning the Premisses; which Oath any One or more of such Trustees, or One or more Justice or Justices of the Peace for the said County, Riding, or Division, are hereby directed and impowered to administer; and they shall also order and call the said Jury to view the said Places in Question, if there shall be Occasion, and use all such other lawful Ways and Means, as well for their own, as for the said Jury's better Information of the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and the said Juries shall thereupon inquire what Damages will be sustained by, and what Recompence and Satisfaction ought to be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on account of the taking or converting the same Lands or Grounds into the said Road, or to any other Person or Persons who may be interested therein; and shall assess and award the Sum or Sums to be paid to every such Person or Persons accordingly; and such Trustees, or any Five or more of them, shall and may give Judgement for such Sum or Sums of Money, so to be assessed by such Jury or Juries respectively; and shall thereupon order the same to be paid to the Owners or Proprietors of, or other Persons interested in, the said Lands or Grounds, according to such Verdict or Inquisition, and the said Judgement and Determination; which said Verdict or Inquisition, and the said Judgement or Determination, so had and made, shall, after Tender of the Sum or Sums of Money so assessed and ordered as aforesaid, or the same being left in the Hands of the Clerk of the Peace for the County, Riding, or Division, where such Damages shall have been sustained, as hereafter mentioned, be final, binding, and conclusive, without any Appeal therefrom, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under what Disabilities soever, Bodies Politic, Corporate, or Collegiate, as well as all other Persons whatsoever: And all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons, any wise interested in such Lands or Grounds shall thereby from thenceforth, to all Intents and Purposes, be absolutely divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same; and the same shall thenceforth no longer remain or be deemed as private Property, but be converted into, and remain and be used as Part of, the publick Highway or Road for ever.

The Damage and Recompence to be settled by a Jury.

Verdict of the Jury to be binding and conclusive.

And

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

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

Fine not to exceed 5*l.*

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, or ascertained, and assessed, as aforesaid, shall be and are hereby charged and chargeable upon all the Tolls and Monies which shall be raised, received, and borrowed, by virtue of, and for the Purposes of, this present Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto; and in case such Person or Persons shall neglect or refuse to accept the same, then the same shall and may be left in the Hands of the Clerk of the Peace for the said County, Riding, or Division, for the Use of the Persons intitled thereto, and to be by him paid, upon Demand, to such Person or Persons, according to his, her, or their Appointment: And in case, after Thirty Days Notice thereof given to such Person or Persons, or left in Writing at the House or Houses of the Tenant or Tenants in Possession of the Premisses, he, she, or they, shall still neglect or refuse to accept the same, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, and Agents, to take the said Lands and Grounds into the said Road, and also to ditch and fence off the same, in such Manner as the said Trustees, or any Five or more of them, shall think fit: And the said Ground or Grounds, Land or Lands, and the Soil of such Houses, Buildings, and Tenements, as shall be pulled down by virtue hereof, and so to be converted and made into the said Roads,

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

Lands when purchased to be deemed a publick Highway,

and kept in Repair as such.

shall, to all Intents and Purposes, from thenceforth become, and be deemed and taken to be, a publick Highway.

Trustees not not to act where interested.

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

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may elect or appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls, and also a Surveyor or Surveyors, to view the Condition of the Road, and to see that the same be effectually made and repaired; and, from time to time, in case of Misbehaviour, to remove and appoint new Ones, in case of Death or such Removal; and, out of the Money arising by virtue of this Act, the said Trustees, or any Seven or more of them, shall and may make such Allowances to the said respective Officers for their Care and Pains, and also to such other Persons who shall have been assisting in and about diverting, altering, widening, and repairing the said Road, as to the said Trustees shall seem reasonable: And such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall at any Meeting of the said Trustees (if thereunto required by any Five or more of them) deliver in upon Oath (which Oath any One or more of the said Trustees are hereby impowered to administer) a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he or they, and every of them, shall have received and disbursed by virtue of this Act, on Account of his or their respective Offices: And in case the said Surveyors, Receivers, or Collectors, or any of them, shall not make such Account, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing under their Hands and Seals, impower to receive the same; that then, and in either of the said Cases, any Two or more Justices of the Peace, at any Special Sessions or other Meeting of them, to be held for the County, Riding, or Division, in which the said respective Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, shall reside, shall make Inquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses on

Officers to account upon Oath.

Officers not making Account and Payment,

Justices to enquire into the Default;

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on Oath (which Oath the said Justices are hereby required and impowered to administer without Fee or Reward) And if any Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, or shall have compounded for the same, and paid such Composition; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and commit the Offender,

until he shall conform, or compound for the same.

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

Treasurer to give Security.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent any Obstruction or Obstructions, and all Annoyances and Inconveniencies by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, laid upon, or running into, along, or out of, any Part of the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse any Ditches or Watercourses adjoining to the said Roads, and to make the same as deep and large as he and they shall think necessary; and also to cut down, lop, or top, any Trees, except Timber Trees, and also any Branches or Bushes growing on the said Roads, or on the Banks or Hedges adjoining thereto (the Owners or Occupiers of the Premisses, where such Obstructions or Annoyances as aforesaid, shall happen to be, or the Persons causing the same, neglecting to remove them, or to open, scour, or cleanse, such Ditches or Watercourses, or to cut down, lop, or top, such Trees, Branches, or Bushes, for the Space of Ten Days after Notice in Writing for that Purpose, under the Hand or Hands of the said respective Surveyor or Surveyors, or any of them) and that the Charges of removing such Obstructions or Annoyances, and opening, scouring, and cleansing, such Ditches or Watercourses, and cutting down, lopping, or topping, and removing, such Trees, Branches, or Bushes as aforesaid, shall, upon Demand, be reimbursed to the said respective Surveyor or Surveyors, by such Owners and Occupiers, or Persons causing such Obstructions; and such Charges shall be recovered by Distress and Sale of the Goods and Chattles of

Surveyors may remove Annoyances.

and cut Drains;

and cut down Trees, &c.

Owners neglecting to scour Ditches, &c. after Notice given;

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale.

of such Owner and Occupier, or Person causing such Obstructions, by Warrant under the Hand and Seal, or Hands and Seals of any One or more Justice or Justices of the Peace for the County, Riding, or Division where such Obstructions or Annoyances shall happen: And if after Removal of any such Obstruction or Obstructions, or Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted on his or their Confession, or upon the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said County, Riding, or Division (which Oath the said Justice and Justices is and are hereby impowered to administer) shall, for every such Offence, over and above the Charges of removing such Obstruction or Obstructions, or Annoyances, forfeit and pay the Sum of Forty Shillings.

Persons convicted of a Second Offence, to forfeit 40 s.

Surveyors may make Causeways,

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, or cause to be made, a Causeway or Causeways for the Use of Foot Passengers, along any Part of the said Roads, in such Manner as they shall see convenient, and to cut and make Drains through any Grounds lying contiguous thereto; and to erect, and keep in Repair Arches of Brick, Timber, or Stone over the same; and also to cause Ditches or Trenches to be made in such Places and Manner as the said Trustees, or any Five or more of them, shall adjudge necessary, for the better making and keeping the said Roads in good Repair; and that such reasonable Satisfaction shall be made to the Owners or Occupiers of such Grounds, through which such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be placed, for the Damages which the Owners or Occupiers shall thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions of the Peace to be holden for the County, Riding, or Division, where such Grounds shall lie, in case any Difference shall arise concerning the same.

and erect Bridges, &c.

making Satisfaction to the Owners of such Grounds

Justices to determine Differences.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, and such Person or Persons as he or they shall respectively appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or Waste or Common Grounds, in any Parish, Township, Village, Hamlet, or Place, in or near which any Part of the said Roads do or shall lie, for the making and repair-

ing,

ing thereof; and for want of a sufficient Quantity of such Materials there, to dig, gather, and carry away the same out of any River or Brook, Waste or Common Grounds, of or in any neighbouring Parish, Township, Village, Hamlet, or Place, without paying any thing for such Materials; and may also carry the same Materials through any Field, Meadow, or private Way; making such reasonable Satisfaction to the Owners or Occupiers for the Damage done, as the said Trustees, or any Five or more of them, shall judge reasonable: Or in case it shall be adjudged more expedient by the said Trustees, or any Five or more of them, it shall and may be lawful for their Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to dig, gather, and take away, in and from the Grounds of any Person or Persons (not being the Ground where any House or Building stands, nor any Yard, Garden, Orchard, Park, Paddock, Nursery, planted Walk, or Avenue to a House, or any Plantation set apart or used as a Nursery for Trees) where any such Materials may be found; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as such Trustees, or any Five or more of them, shall judge reasonable.

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

making Satisfaction to the Owners of the Grounds.

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 and 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, 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

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

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 One or more Justice or Justices of the Peace for the County, Riding, or Division, where the Offence shall be committed, shall, for every such Offence, forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Five Pounds, to be levied in Manner hereafter mentioned.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and such Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark and denote the Distance of any Town or Place to any other Town or Place on the said Roads, as to such Trustees shall seem meet: And if any Person or Persons shall wilfully 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 or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road, where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County, Riding, or Division, where the Offence shall be committed, 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 Justice or Justices respectively, 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 whereon sufficient Distress can be made, then it shall and may be lawful to and for such Justice or Justices respectively, by Warrant or Warrants under their

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

For want of sufficient Distress, Offender to be committed.

or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the Place where the Offence shall be committed, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person or Persons offending and convicted shall not be discharged till he, she or they shall have paid the Sum of Forty Shillings, or till the Expiration of the said Month.

Parish Surveyors to give in Lists of the Persons that are chargeable to do Statute work, &c.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways for the time being, for all the Parishes, Townships, and Places, in which the said Roads intended to be repaired by this present Act do lie, shall, yearly and every Year during the Continuance of this Act, within Ten Days after Demand to him or them made in Writing by the Surveyor or Surveyors, to be appointed by virtue hereof, deliver to such Surveyor or Surveyors an exact List or Account in Writing, under his or their Hands, of the Names of all and every Person and Persons in the said respective Parishes, Townships, or Places, who are by Law chargeable towards repairing the Roads in any of the said Townships or Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Surveyor or Surveyors for the said Parishes, Towns, or Places respectively, shall, within Ten Days after Notice given to him or them by such respective Surveyor or Surveyors, to be chosen by virtue hereof, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Works in or upon any Part or Parts of the said Roads respectively, the said Surveyor or Surveyors of the said Parishes, Towns, or Places respectively, shall summon, or give publick Notice thereof to the said 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 or perform his Duty herein, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to do and perform his or their respective Statute-work on the said respective Roads, he, she, or they, so neglecting or refusing, shall respectively pay the Sum of Five Shillings for each of the said Days such Person or Persons shall

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

Penalty on Persons not performing their Statute-work.

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

Persons found idle to be turned off.

Inhabitants to do Two Days Statute-work.

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

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the Performance of Statute-work upon, or otherwise repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they or any of them respectively have been accustomed, or of Right ought, to repair, amend,

and

or

or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any ancient Usage, Custom, Law, or otherwise; but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from time to time, and at all Times hereafter, be maintained, amended, and kept in Repair, by such County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, or private Person or Persons, as heretofore the same respectively have been, or ought of Right, or by any ancient Usage, Custom, Law, or otherwise, to have been amended, maintained, and kept in Repair; any thing herein contained to the contrary notwithstanding.

Trustees to determine the Statute-work to be done on the Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Five or more of the said Trustees, at any of their publick Meetings, upon Application to them for that Purpose made, to adjudge and determine when, and in what Manner, such particular Part or Parts of the said Roads, Bridges, Causeways, Drains, and Sewers, as aforesaid, shall be repaired and amended by such County, Riding, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, private Person or Persons, chargeable or liable to perform Statute-work upon, or otherwise to repair, amend, or maintain the same, as aforesaid.

Trustees may compound with Parishes, &c.

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, at any Time during the Continuance of this Act, at any of their publick Meetings, to compound and agree with any County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons, liable to perform Statute-work, or chargeable with the Repair or Maintenance of any Part of the said Roads, or of any Bridge, Causeway, Drain, or Sewer, lying within any of the said Roads to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or any ancient Usage, Custom, or Law, or otherwise, or with the Surveyor or Surveyors of the Highways of any of the Parishes, Townships, or Places, to which the said Roads belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to, or chargeable with, the Re-

pair of any Part of the said Roads, or to perform Statute-work thereon by virtue of any Statute, or otherwise, for a Sum of Money certain, to be paid by the Year, or otherwise, in lieu of such Work or Repairs to which they shall be liable or chargeable by reason of such their Tenure, or by virtue of any Custom, ancient Usage, Law, or otherwise howsoever; and that all Compositions and Agreements to be made by virtue of this Act, shall be entered at Length in the Book or Books, to be kept by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, for entering their Orders and other Proceedings.

Compositions to be entered in a Book.

And, for the better Recovery of such Sum or Sums of Money as shall be agreed to be paid by any Person or Persons, for or in lieu of the said Statute or other Work, or for passing through all or any of the said Turnpikes, be it enacted by the Authority aforesaid, That in case any Composition, so agreed to be paid, shall not be paid 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 to receive the same, within Ten Days after the same shall be demanded, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the Place where such Offence shall be committed, and he or they are hereby respectively authorized and required, upon Complaint made to him or them by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors for the time being, upon Oath made before any One or more of them of such Default of Payment (which Oath any One or more Justice or Justices is and are hereby impowered to administer) to issue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering such Person or Persons as the said Trustees, or any Five or more of them, shall have appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattles of such Person and Persons as hath or have, or shall make such Composition for passing through all or any of the said Turnpikes as aforesaid, or of any Person or Parsons who shall compound for or in respect of the said Statute-work, or of the Surveyor or Surveyors, Supervisor or Supervisors, of the Highways for the time being, or, in Default of a Surveyor or Supervisor, of the Overseer of the Poor of such Parish, Township, or Hamlet, for or in respect of which such Composition was made, or of the Person or Persons so having compounded for such Repairs to be done by reason of Tenure, Usage, or Custom; and the Goods and Chattles so distrained, after the Space

Composition-money how to be recovered and applied.

of

of Four Days, such Composition, and the reasonable Charges of distraining and keeping the said Goods and Chattles, not being paid, to sell; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after such Composition-money, and the reasonable Charges, to be settled by the said Justice or Justices, of distraining, keeping, and selling, shall be deducted; which Money so paid or levied, shall go and be applied towards amending the said Roads, and to no other Use or Purpose whatsoever.

Surveyors, &c. paying the Composition-money, how to be reimburied.

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

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 Parts 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.

Surveyors may make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be chosen by virtue of this Act, by Order of the said Trustees, or any Five or more of them, to

make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired or widened (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Park, or planted Walk, or Avenue to any House, or a Piece or Parcel of inclosed Ground planted or set apart for Trees) to be made use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the other Road is repairing, and until it shall be convenient and safe for Passengers and Carriages to travel along the Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, for the Damages such Owners or Occupiers severally shall or may sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall happen concerning such Damages, that it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Session to be holden for the County, Riding, Division, or Place, where such Grounds shall lie, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, or along, any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones (Mill Stones excepted) otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

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

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 thereupon, 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.

Trustees may contract for repairing the Roads,

and erecting Mile-stones, &c.

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,

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 further 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, in the Names of the said Trustees, or any Five or more of them, or in the Name of their Clerk, Treasurer, or other Officer, 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 notwithstanding.

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

And be it enacted by the Authority aforesaid, That the said Trustees shall meet at the House of John Mellin, known by the Sign of the Talbot, in the said Town of Halifax, on the Twenty second Day of May, One thousand seven hundred and sixty; and shall then proceed to the Execution of this Act; and afterwards adjourn themselves, from time to time, and meet there, or at such other Place or Places near the said Roads, as they the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act into Execution: And if it shall happen, that there shall not appear, at any Meeting, a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk to the said Trustees shall, by Notice in Writing, to be fixed on all the Turnpikes, at least Four Days before, appoint the said Trustees to meet at the House where their last Meeting was so appointed to be held, upon that Day Sevennight; and that all the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Time and Place of Trustees Meeting.

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

Trustees to defray their own Expences.

4 Days Notice to be given of Trustees Meeting.

Provided always, and be it enacted, That Notices of the Time and Place of all the Meetings of the said Trustees shall be given in Writing, signed by the Clerk to such Trustees, and affixed at or upon the several Turnpikes to be erected by virtue of this Act, and at the Market Crosses of the said Towns of Halifax and Burnley, at least Four Days before any such Meeting shall be held.

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

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any of them, shall not be impowered to do any Act, in Execution of the Powers hereby granted, otherwise than at a Meeting to be held in pursuance of this Act.

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

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

Notice to be given of such Election.

Qualification of Trustees.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless at the Time of acting therein, he shall have or be seised of, in his own Right, or in the Right of his Wife, and in the actual Possession and Enjoyment, or Receipt, of the Rents, Issues, and Profits, of a Real Estate, in Law or Equity, of the clear yearly Value of Eighty Pounds above Reprizes; or be Heir Apparent of a Person possessed of an Estate in Land, of the yearly Value of One hundred and sixty Pounds above Reprizes: And if any Person or Persons, hereby disqualified, or declared to be incapable to act in the Trust aforesaid, shall in any wise act as a Trustee, in the Execution of this present Act, every such Person, for every such Offence, shall forfeit the Sum of Fifty Pounds, to be recovered by any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information,

Penalty on acting, if not qualified.

mation, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety applied in such Manner as the Tolls granted and made payable by this Act are directed to be applied and disposed of.

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

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

Trustees in Commission of the Peace may act as Justices.

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

No Order to be repealed, unless Notice be first given.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, 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 such Trustees, unless Notice for that Purpose, by the Direction of such Trustees, or any Five or more of them, signed by their Clerk, be affixed upon all the Turnpike-gates to be erected by virtue of this Act, and at the Market Crosses of the said Towns of Halifax and Burnley, at least Ten Days before the repealing of such Order.

Proceedings to be entered in a Book,

and signed by the Clerk.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and, being then signed by their Clerk or Clerks, by Order 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 the said Trustees: Which said Book or Books shall and may be produced and read in Evidence, in all Cases of Appeals, and in any Suit or Action touching any thing done in pursuance of this Act.

Books may be read in Evidence.

Writings to be without Stamps.

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 putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or

any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That all the Powers hereby granted shall take Place and have Continuance only, from and after the Twenty first Day of May, which shall be in the Year of our Lord One thousand seven hundred and sixty, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, touching which no other Provision is herein made and directed, shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offenders, by Warrant or Warrants under the Hand and Seal of One or more Justice or Justices of the Peace for the County, Riding, or Division, where such Offenders shall respectively reside, which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, shall go and be applied (if not otherwise directed to be applied by this Act) in repairing the said Roads; and the Overplus (if any be) shall be, upon Demand, returned to the Party or Parties whose Goods and Chattles shall have been so distrained and sold, the Charges of such Distress and Sale being first deducted.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and it is hereby further enacted by the Authority aforesaid, That in case any Person shall think himself aggrieved by any thing to be done in pursuance of this Act (except where any Matter done by virtue of this Act is directed to be final) it shall and may be lawful to and for such Person to appeal to the Justices of the Peace for the County, Riding, or Division, where such Grievance shall happen, at their General Quarter Session, which shall be held next after such Grievance (unless such Grievance shall happen within Fourteen Days preceding such next General Quarter Session, in which Case such Appeal shall be brought at the Second General Quarter Session next after the same shall have happened) who are hereby authorized and required to hear and determine the same; and if they see Cause, by Order of such Session, to mitigate, at their Discretion, all or any

any of the Penalties aforesaid, or vacate or set aside the said Conviction or Convictions, but not for Want of Form only, and set the Parties at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes whatsoever; but such Person so appealing shall give Notice in Writing, of such his or her Intention, to the Clerk to the said Trustees, Ten Days at least before the said Quarter Session; and shall, within Three Days after such Notice given, and before any Appeal shall be allowed, enter into a Recognizance, before some Justice of the Peace for the County, Riding, or Division, wherein such Grievance shall happen, with Two sufficient Sureties, conditioned to try such Appeal at the next General Quarter Session to be held for such County, Riding, or Division, next after such Notice, and to pay such Costs and Charges as the said Justices shall award, in case such Appeal shall be disallowed.

Notice of Appeal to be given.

Security to be given to prosecute.

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 the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for diverting, altering, widening, repairing, and amending the Roads from the Town of* Halifax, *and from* Sowerby Bridge, *in the County of* York, *by* Todmorden, *to* Burnley *and* Littleborough, *in the County of* Lancaster; specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.

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

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*.

All Matters to be determined by a Majority of the Trustees.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That at all Meetings of the Trustees appointed to put this Act in Execution, all Matters whatsoever shall be determined by the Majority of the Trustees present at such Meeting, such Majority not being less than the Number appointed by this Act to do such respective Matter or Thing.

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

And be it further enacted by the Authority aforesaid, That no Person, who shall sell Ale, Wine, or Spirituous Liquors by Retail, shall be capable of holding any Place of Profit under this Act.

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 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 Defect 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 be 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 where the Cause of Action shall arise, and not elsewhere: And the Defendant and Defendants, in every such Action and Suit, shall and may plead 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

General Issue.

shall

shall appear to be so done; for that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs; and have such other Remedy for the same, as any Defendant or Defendants hath or have, in other Cases by Law. Treble Costs.

And 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. Publick Act.

FINIS.