ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road from *Collingham*, through *Wetherby*, to the City of *York*.

WHEREAS the Road leading from Collingham, through Wetherby, in the West Riding of the County of York, and Bickerton Marston, and Acomb, in the Ainsty of the City of York, to the City of York, is, by Reason of the Narrowness thereof in many Places, and from the Nature of the Soil, become deep and ruinous, and in some Seasons impassible for Carriages, and very dangerous for Travellers: And whereas the putting the said Road into good and sufficient Repair would tend greatly to the Improvement of the Corn-markets of the City of York, and Town of Wetherby, and to the Trade and Commerce carried on in those Places, and in that Part of the Country in general; and would likewise open a nearer Communica- Preamb'e.

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tion from many Places in the ſaid Weſt Riding of the County of York, to the ſaid City of York, and be a Benefit to all Perſons travelling thereon: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Right Honourable the Lord Viſcount Downe, in the Kingdom of Ireland; the Right Honourable Lord Viſcount Arundell Galway, in the Kingdom of Ireland; Sir John Ingilby, Sir Thomas Gaſcoyne, Sir Bryan Stapylton, Sir Thomas Wentworth, Sir George Savile, Sir John Goodricke, Sir William Robinſon, Sir Rowland Wynn, Sir George Armitage, Sir Thomas Frankland, Sir Savile Slingſby, Sir Bellingham Graham, Sir Walter Vavaſour, Sir Cecil Wray, Sir Thomas Tancred, Sir James Ibbetſon, Baronets; the Right Honourable Sir Fletcher Norton, Knight; William Aiſlabie, Thomas Arthington, Charles Allanſon, Richard Bayne, Huley Baynes, Edmund Barker the younger, Clement Bellamy, John Wood Boynton, Thomas Barſtow, Eſquires; Robert Bewley the younger, William Beckwith, Samuel Brown, Gentlemen; Thomas Barſtow Clerk; Oliver Coghill, Chriſtopher Crowe, Stephen Croft, Stephen Croft the younger, William Windle Carr, Eſquires; Thomas Collins Clerk; James Collins, James Collins the younger, William Coates, Gentlemen; William Danby, Henry Duncombe, Anthony Dawſon, Matthew Dodſworth, Jerom Dring, John Denham, John Dealtry, Robert Dyneley, Eſquires; John Fogg Doctor in Divinity; Francis Fawkes, Layton Flewin, Henry Gale, Eſquires; Henry Goodricke, Goſlop, Clerks; Man Horsfield, Walter Hawkſworth, John Hutton, James Hutton, Robert Harper, William Hucks, Eſquires; Henry Herd, Clerk; William Tuffnell Jolliffe, Peter Johnſon, George Iveſon, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, Henry Laſcelles, Thomas Lodge, Eſquires; William Lamplugh, Thomas Lamplugh, Clerks; Richard Milnes, Sawrey Morritt, Chriſtopher Morritt, James Maude, William Meeke, Francis Meeke, Francis Meeke the younger, Eſquires; Thomas Midgley, Timothy Mortimer, Gentlemen; Thomas Metcalfe, Charles Mace, Clerks;

Truſtees Names.

Clerks; Fletcher Norton, Edward Norton, Edmund Newland, Roger Pickering, Lionel Place, Thomas Richardſon, William Richardſon, Richard Roundell, Eſquires; William Roundell, Clerk; John Raper, Martin Richardſon, Gentlemen; James Shuttleworth, John Silveſter, Charles Slingſby, Thomas Turner Slingſby, Miles Staveley, Roger Swire, Eſquires; Francis Shepherd, Nathaniel Sharpe, John Strother, Gentlemen; Charles Turner, Beilby Thompſon, Richard Thompſon, Thomas Thornton, John Thompſon, Francis Trapps, Robert Taylor, Eſquires; Richard Thompſon, Clerk; William Thompſon, Henry Tennant, Gentlemen; William Vavaſour, Walter Vavaſour, William Weddell, Richard Wilſon, Andrew Wilkinſon, Charles Wilkinſon, Thomas Wilkinſon, Andrew Wilkinſon the younger, John Wilkinſon, John Wood, William Wanley, Childers Walbank, Eſquires; Francis Wanley Doctor in Divinity, Dean of Ripon; James Wilkinſon, Clerk; and John York, Eſquire; ſhall be, and they, and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees, for the ſurveying, ordering, widening, amending, and keeping in Repair the Road aforeſaid, and otherwiſe putting this Act in Execution.

Qualifications of Truſtees.

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

First Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Mr. William Cotesworth, known by the Sign of the Angel, in Wetherby, and proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to meet at the same or any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this Act in Execution; and if it shall happen that there shall not appear, at any Meeting which shall be appointed to be had or held by the said Trustees, a sufficient Number to act, and to adjourn to any other Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed at the respective Turnpikes at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other convenient Place near the said Road, on that Day Three Weeks upon which such last Meeting was appointed: And that the said Trustees shall, at all their Meetings, defray their own Charges and Expences; and all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at a Meeting to be held in pursuance of this Act, and not otherwise; and no Order or Determination shall be valid, unless the Majority of Trustees present shall concur therein.

Trustees to defray their own Expences.

Trustees in Commission of the Peace may act as Justices, but not where interested.

And be it further enacted, That all such Trustees as are or shall be Justices of the Peace for the said West Riding, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person whatever shall act as a Trustee in any Case wherein he shall be personally interested, or during the Time he shall hold any Place of Profit under this Act.

Choice of new Trustees.

And be it further enacted, That when and as often as any Trustee shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of each Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same, in Writing, upon all the Turnpikes across the said Road, at least Fourteen Days

before

before every such Meeting; and every such Person so elected, being duly qualified as aforesaid, shall be, and is hereby declared to be, to all Intents and Purposes, a Trustee for putting this Act in Execution.

Trustees may erect Gates.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and may erect so many Turnpikes as they shall think necessary, upon or across the said Road, and also upon the Sides thereof, and across any Lane or Way leading into the same, to prevent the Tolls being evaded; but not to subject any Person or Persons to a double Toll; and also so many Toll-houses as they shall think proper, and remove and 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 the respective Tolls following shall be demanded and taken of the Person or Persons attending any Cattle or Carriage herein after mentioned, by such Person or Persons as the said Trustees, or any Seven or more of them, shall, from Time to Time, appoint for that Purpose, or to whom the same shall be let, before any such Cattle or Carriage shall be permitted to pass through the same; (that is to say,) For every Coach, Berlin, Hearse, Landau, Chariot, Chaise, Chair, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Nine-pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Three-pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine-pence; and for every Chaise or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Sixpence: And for every Waggon, Wain, Cart, or other Carriage, carrying or laden with, or empty and going for, or returning immediately after having been so laden with Lime, Coals, or Cinders only, drawn by Six or more Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Six-pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Four-pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Three-pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Two-pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of One Penny Halfpenny: And for every Horse, Mare, Gelding, Mule, or Ass so laden, going or returning as aforesaid, and not drawing, One Halfpenny: And for every other Waggon, Wain, Cart, or other Carriage not so laden, going or returning, drawn by Six Horses, Oxen, or Beasts of Draught, the

the Sum of Two Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Sixpence; and for every other Horse, Mare, Gelding, Mule, or Ass not so laden, going or returning as aforesaid, and not drawing, One Penny Halfpenny: And for every Drove of Oxen or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for every greater or less Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for every greater or less Number: Which said respective Sums of Money shall and may be demanded and taken in the Name of and as a Toll, and shall be vested in the said Trustees, and applied as herein-after directed; and if any Person or Persons, subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself, or taking such Assistance as he shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Geers, Harness, or Accoutrements, or their Loading, or any Carriage with its Loading, upon which such Toll is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus, if any be, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted.

Manner of Recovery.

Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining, to retain the same, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls or Charges of distraining and selling the Dis-

In case of Dispute concerning Tolls and Charges, Matter to be settled by a Justice.

trefs, as the Cafe fhall happen, fhall be afcertained by fome Juftice of the Peace for the Weft Riding of the County of York, or for the City and County of the City of York, as the Cafe may happen; who, upon Application made to him for that Purpofe, fhall examine the faid Matter by Oath of the Parties, or other Witnefs or Witneffes, and fhall determine the Quantity of the Toll due, and fhall alfo affefs the Charges of fuch Diftrefs and Sale, and alfo of the Collector's Attendance for that Purpofe upon the faid Juftice; all which Sum or Sums fo determined and affeffed, fhall be paid to the faid Collector before he fhall be bound to return the faid Diftrefs, or the Overplus after Sale thereof, or of any Part thereof.

Tolls may be leffened.

And be it further enacted, That the faid Truftees, or any Seven or more of them, may, and are hereby authorifed and impowered from Time to Time, as they fhall think proper, to leffen, vary, or alter all or any Part or Parts of the Tolls hereby granted at any of the faid Turnpikes, and to raife the fame again, fo as the fame do not exceed the Tolls by this Act granted, and fo as fuch Reduction be with the Confent of the feveral Perfons who fhall be intitled to Two Third Parts at the leaft of the Money then due on the Credit of this Act; but fuch Reduction fhall not be made unlefs Notice in Writing be given for that Purpofe, by affixing the fame upon all the Turnpikes then erected crofs the faid Road, at leaft Fourteen Days before making fuch Reduction; and fuch Tolls fo leffened, varied, or altered, fhall be collected, recovered and applied in the fame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Streets or Bridges not to be repaired.

Provided always, and be it further enacted by the Authority aforefaid, That nothing in this Act contained fhall authorife the faid Truftees, or any of them, to repair any of the Town Streets of, or the Bridge at, Wetherby aforefaid.

No Turnpike to be within Three Miles of the City of *York*.

Provided alfo, That nothing in this Act contained fhall authorife or impower the faid Truftees, or any of them, to erect any Turnpike-bar or Turnpike-bars, Toll-gate or Toll-gates, upon the faid Road, within the Diftance of Three Miles from the faid City of York; any Thing herein contained to the Contrary in any-wife notwithftanding,

Tolls to be paid but once a Day at the fame Gate.

And be it further enacted, That if any Perfon or Perfons fhall have paid the Tolls by this Act granted and afcertained, for the paffing of any Cattle or Carriage through any Turnpike erected by virtue of this Act, the

same Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass and repass through the same Gate or Turnpike, and also through all other Gates or Turnpikes erected by virtue of this Act, with the same Cattle or Carriage Toll Free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collectors or Receivers of the said Tolls are hereby required to give gratis, if demanded, on Payment of such Toll; nor shall any Toll be demanded or taken for the passing of any Cattle or Carriage, which shall not travel more than Two hundred Yards upon the said Road.

Exemptions. And be it further enacted, That no Person or Persons shall be charged with any of the Tolls aforesaid, for any Cattle or Carriage going empty for, or drawing or carrying, or returning empty after having drawn or carried any Gravel, Stones, or other Materials for repairing the said Road, or any other Turnpike Road thereunto adjoining; or any Hay or Corn in the Straw only; or any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Compost, or Manure, employed in Husbandry for manuring and improving of Lands; or Materials to be used or employed for the building or repairing of Mills or Mill Dams; or for any Carriages, Horses or other Cattle, passing to or returning from any Corn Mill within any Township through which any Part of the said Road leads, with any Corn, Grain, Malt, Meal, or Flour, for the Owner's own Use and Consumption, in his or her Dwelling-house, and not for Sale; nor shall any Toll be demanded or taken from any Person or Persons residing in any of the several Townships in which the said Road or any Part thereof doth lie, who shall pass through any of the same Turnpikes to or from their own Parish or Parochial Church, Chapel, or other Place of religious Worship they usually resort to on Sundays; or who shall attend the Funeral of any Person or Persons who shall die, and be buried in any of the said Townships; nor for any Horse or other Cattle going to or from Water or Pasture; nor for any Post Horse carrying or drawing the Mail or Packet; nor for the Horses of Soldiers that are upon their March, or for Waggons, Wains, Carts, and Carriages attending them; or for any Horses or Carriages travelling with any Person or Persons going to or returning from any Election for a Knight or

Knights of the Shire for the County of York on the Day or Days of such Election, or on the Day next before and next after any such Election; or for any Wains, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning after having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty on permitting private Passages, or otherwise evading the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall counterfeit, forge, or alter, or shall deliver to, or receive of any Person or Persons any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls, or if any Person or Persons whomsoever, owning, renting, or occupying any Lands near unto any Turnpike to be erected in pursuance of this Act, do pass, or shall willingly permit or suffer any Person or Persons whomsoever, to pass through any Gate, Passage, or Inclosure, not being an Highway, to and from the Place or Places from whence he or they shall respectively come with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or riding, driving, or leading any Sort of Cattle, or if any Person or Persons shall do any other Act whereby the Payment of any of the Tolls, by this Act granted shall or may be avoided, such Persons, and every of them, shall, for each such Offence, forfeit and pay the Sum of Five Pounds over and besides such Damages and Punishments as they shall be otherwise liable to by Law; to be levied and recovered by such Means, and in such Manner, as are herein after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

For leasing the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, at any Time or Times during the Continuance of this Act, Twenty-one Days Notice in Writing being affixed on all the Turnpike-gates which shall be then standing across the said Road, to lease or farm by the Year all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases

or

or Agreements be in Writing, and ſigned by the Perſon or Perſons taking or farming the ſame, and by any Seven of the ſaid Truſtees, and be not made for more than Three Years at any One Time; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls, ſhall be made payable, and ſhall be paid to the Treaſurer of the ſaid Truſtees, by quarterly Payments; and in caſe any Agreement ſhall be made for letting or farming the ſaid Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every ſuch Agreement ſhall be void, and the Perſon or Perſons to whom the ſaid Tolls ſhall have been let or farmed as aforeſaid, ſhall be liable to account for the ſame to the ſaid Truſtees, or any Five or more of them; and the ſame ſhall be levied and recovered upon and from him and them by the ſame Ways and Means, and in ſuch Manner as the Tolls granted by this Act are herein directed to be levied and recovered from the Collectors thereof.

Truſtees may compound for Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, from Time to Time, as they ſhall ſee convenient or think fit, compound or agree for any Time not exceeding One Year at a Time, with any Perſon or Perſons travelling through the Turnpike or Turnpikes to be erected by virtue of this Act, with any Horſe, Cattle, or Carriage, for any Sum or Sums of Money, to be paid Quarterly in Advance.

Turnpikes, &c. 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 by virtue of this Act, and of the Materials provided for building or repairing the ſame, and of all Materials which ſhall be actually got or collected for the Uſe of the ſaid Road, ſhall be, and are hereby veſted in the ſaid Truſtees; and they, or any Seven or more of them, are hereby authoriſed and impowered to diſpoſe thereof as they ſhall think proper; and to bring an Action or Actions, in the Names of any One of them, or of their Clerk or Treaſurer, 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, or any ſuch Materials, or ſhall hold Poſſeſſion thereof, or any Part thereof, after being required, by the Order of any Seven or more of the ſaid Truſtees, to deliver up the ſame.

Truſtees to appoint Officers, &c.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, from Time to Time, by Writing under their Hands, appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks,

Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and from Time to Time remove all or any of such Officers, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers, as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts, in Writing, of all the Monies which shall have been by such Officer or Officers respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint: And all the said Officers accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, that then any One or more Justice or Justices of the Peace for the said West Riding, or for the City and County of the City of York, as the Case may happen, shall and may make Inquiry of and concerning such Default as aforesaid, in a summary Way, as well by the Confession of the Party as by the Testimony of One or more credible Witness or Witnesses, upon Oath; and if it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, the said Justice or Justices may, and is and are hereby authorised and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers respectively; and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer

and satisfy the said Money, and the Charges of distraining for the same, then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the said West Riding, or to the Gaol of the City and County of the City of York, as the Case may happen, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take Security by Bond, with One or more sufficient Surety or Sureties, and with sufficient Penalties, from every Person who shall be appointed as Treasurer under this Act, and before he shall enter upon such Office, for the making a due and satisfactory Account of all Monies entrusted to his Care and Charge.

Victuallers not to hold Places of Profit.

And be it further enacted, That no Victualler, or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

Surveyors may get Materials.

And it is hereby further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed in pursuance of this Act, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Town, Village, or Hamlet, in or near which the said Road or some Part thereof doth lie (except Stones from Marries open and in working) proper and convenient for repairing the said Road, without paying any Thing for the same, but making such Satisfaction and Allowance to the Person or Persons through whose Lands such Materials shall be drawn and carried, for the Damages done and occasioned thereby to the said Lands, and levelling, filling up, or fencing about the Holes and Pits made by getting such Gravel, Stones, or other Materials, as the said Trustees, or any Five or more of them, shall judge and deem fit and reasonable; and where there is not a Sufficiency of such Materials in any Commons or Waste Grounds, Rivers or Brooks, near adjoining, it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather the same in the several Grounds of any Person

ſon or Perſons (not being a Garden, Park, Orchard, Yard, Plantation, Nurſery, planted Walk or Walks, or Avenue to a Houſe) where any ſuch Materials are or may be found, and from Time to Time to carry away ſuch and ſo much thereof as the ſaid Surveyor or Surveyors ſhall adjudge neceſſary for the repairing the ſaid Road, paying ſuch Rate for ſuch Materials to the Owners or Occupiers of the Ground from whence or through which the ſame ſhall be dug, gathered and carried away, and alſo making Satisfaction for any other Special Damage to be occaſioned by ſuch digging, gathering, and carrying, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable: And in caſe of any Difference between ſuch Owners and Occupiers and the ſaid Truſtees, touching the Value or Damages aforeſaid, the Juſtices of the Peace, at their next General Quarter Seſſions to be holden in and for the ſaid Weſt Riding, or for the City and County of the City of York, as the Caſe may happen, or the major Part of them then preſent, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

Owners of the Soil not to carry away the Materials provided by the Surveyors.

Provided alſo, and be it further enacted by the Authority aforeſaid, That in caſe any Owner of the Soil, or Occupier of the Ground, where ſuch Materials ſhall be dug or gathered according to the Directions of this Act, or any other Perſon or Perſons, ſhall, at any Time during the Continuance of this Act, load, take, or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, appointed under or by virtue of this Act, or any Perſon or Perſons by him appointed, have got, gathered, or digged out of any Waſte or Common, River or Brook, or private Ground, for the Purpoſe of repairing the ſaid Road, or any Part thereof, or ſhall dig, gather, get, take, load, 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 or opened for the Purpoſe of getting Materials for ſuch Repairs as aforeſaid, before ſuch Time as the ſaid Surveyor, or his Workmen, ſhall have diſcontinued getting any ſuch Materials thereout, or working therein, for the Space of Forty Days, other than and except the Owner or Occupier of ſuch private Ground for his own private Uſe, and Perſons by him lawfully authoriſed to get Materials therein for the proper Uſe of ſuch Owner or Occupier only, and not for Sale, every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds.

And

Surveyors may remove Annoyances,

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to remove all Annoyances on any Part of the said Road, either by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Road; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and also, by Order of the said Trustees, or any Five or more of them, from Time to Time, to cut down, lop or top any Trees (Timber Trees excepted) and Shrubs or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to carry away and dispose of the same for the Benefit of the said Road, in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses, or Ditches, or remove such Annoyances, or to cut down, lop or top, and remove such Trees, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Twenty Days next after Notice in Writing for that Purpose shall be left at the House where the Occupier or Tenant shall reside, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

the Owners neglecting to do the same after Notice.

Survyors to be reimbursed the Charges.

Penalty on Second Offence.

Not to leave Rubbish, &c. in the Road.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, without any Horse or other Beast of Draught, harnessed or yoked thereto, or shall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof; every Person

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

Surveyors may make Cauſeways, &c.

And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, or ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make, or cauſe to be made, Cauſeways, and alſo Ditches and Drains, in and upon the ſaid Road, and alſo through any Grounds lying contiguous thereto; and alſo to make a Road through the Grounds adjoining or lying near to any hollow Way, or narrow or ruinous Part of the ſaid Road, ſuch Grounds reſpectively not being the Ground whereon any Houſe ſtands, nor a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, to be made Uſe of as a publick Highway, whilſt the old Road is repairing and widening; and alſo, by Order of any Five or more of the ſaid Truſtees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and croſs any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid Truſtees, or any Five or more of them; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Moor, Common, or Waſte Ground.

make a temporary Road,

and erect Bridges, &c.

making Satisfaction to the Owners.

Perſons liable to repair Bridges, &c. to continue ſo.

And be it further enacted by the Authority aforeſaid, That where any particular Part of the ſaid Road, or any Bridge, Drain, or Sewer, being in and upon the ſaid Road, hath been accuſtomed, or ought to be repaired and maintained by any particular Perſon or Perſons, Body Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by any County or Riding, or any Townſhip therein; every ſuch Part of the ſaid Road, Bridge, Drain or Sewer, ſo lying in and upon the ſaid Road, ſhall, from Time to Time, be maintained and kept in Repair by ſuch Perſon or Perſons, Body Corporate or Politick, County, Riding, Townſhip or Townſhips, and Places, in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in Repair before the paſſing of this Act: And it ſhall and may be lawful for the Juſtices of the Peace for the ſaid Weſt Riding, or for the City

and County of the City of York, as the Case may happen, and they are hereby impowered and required, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the Time being, to adjudge and determine where, how, and in what Manner the same, from Time to Time, shall be maintained and kept in Repair.

Trustees may compound for such Work.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with all or any of the said Persons, Bodies Politick or Corporate, Townships, or Places, which are or shall be liable or chargeable for or towards repairing of any such particular Part of the said Road, Bridge, Drain, or Sewer, (except the Bridges liable to be repaired by the said County or said Riding, which shall continue to be respectively repaired as aforesaid) for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works and Repairs to be done by such particular Person or Persons, Body Politick or Corporate, Township or Townships, or Places as aforesaid.

Rents, &c. chargeable with the Repairs of the Highways, to continue so.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be applicable towards the amending any Part of the said Road, the same shall remain so; and the Lands and Tenements, or Hereditaments, out of which the same is payable, shall remain liable to, and chargeable therewith; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment thereof, it shall and may be lawful to and for any Justice or Justices of the Peace of the said Riding or County, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale: And such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from Time to Time, for and towards the amending the said Road, and to no other Use or Purpose whatsoever.

And

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

Persons liable to do Statute-work to continue so.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways, of and for the several Townships and Places in which any Part of the said Road intended to be repaired by this Act doth lie, shall, yearly, and every Year, during the Continuance of this Act, within Seven Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue and in pursuance of this Act, give in, and deliver to such Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hands or Hand, of the Christian and Surname of all or every Person and Persons, in the respective Townships and Places who are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise; and shall also set forth and specify, in such Lists, what such Person is respectively chargeable with, for or towards the same; and the Surveyor or Surveyors of the Highways in such Township for the Time being respectively, within Three Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when and how many of the Persons so chargeable as aforesaid he would have to do their respective Statute or Days Work, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors for the Townships or Places aforesaid shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught as he, she, or they respectively employ, with One Person to attend the same, to do and perform such their

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

their respective Days Work, on the said Road, he, she, or they so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings, whereon any such Team, Draught, or Cart shall make such Default as aforesaid: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Road, shall, at any Time, neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Road, he, she, or they shall respectively forfeit and pay the Sum of One Shilling and Sixpence for each of the said Days such Labourer or other Person or Persons shall make Default; and if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, is or are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done; in such Case the same Surveyor or Surveyors may, and is and are hereby impowered and required, to turn him or them off who shall be found idle and negligent as aforesaid; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road, and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from Time to Time, to compound for any Time not exceeding One Year, with any of the Townships, Hamlets, or Places to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to, or chargeable with, the Repair of any Part of the said Road, for any Sum or Sums of Money, to be paid quarterly or otherwise, in lieu of the Statute or other Work to be done by such Townships or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

Trustees may contract for the Purchase of Lands, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall be, and are hereby fully impowered, from Time to Time, to widen the said Road, or to divert, turn, shorten, vary, or alter, the Course or Path of any Part or Parts of the said Road,

through any Common or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain, by such widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of such Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, Ideots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the Contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Guardians, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, or at the House of the

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

Where Persons refuse to treat, &c.

Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is intended to be diverted, turned, or altered, ſhall, for the Space of Twenty-one Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damage and Recompence to be enquired into, and aſcertained by a Jury of indifferent Men of the County; and in order thereto, the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine upon Oath any Perſon and Perſons whomſoever, (which Oath any One or more of the ſaid Truſtees is and are hereby impowered to adminiſter); and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all Ways and Means, as well for their own as for the ſaid Jury's Information of the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming, or to claim, in Poſſeſſion, Remainder, or Reverſion, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County, requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly;

Witneſſes to be ſummoned, and examined upon Oath.

Jury to ſettle the Damage and Recompence,

whoſe Verdict ſhall be final.

Truſtees to iſſue their Warrants to the Sheriff for impannelling a Jury.

accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby impowered and required, to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other such honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear; or appearing, shall refuse to be sworn on the said Jury; or being so sworn, shall refuse to give or not give a Verdict; or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear; or appearing, shall refuse to be examined, or to give Evidence; and such Fine or Fines shall be levied, recovered, and applied in such Manner as the Penalties and Forfeitures impowered by this Act are herein-after directed to be levied, recovered, and applied, so that no such Fine be more than Ten Pounds, nor less than Two Pounds, on any One Person for One Offence.

Juries may be challenged.

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

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorised by Writing under the Hands of the said Trustees, or any Seven or more of them, to widen, divert, or turn such Road through or over such Lands or Hereditaments, and

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

and to do all and every Act, Matter, and Thing, with Relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Road as shall be widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair in such Manner as the Road hereby appointed to be repaired is by this Act to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or sold, and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of that Part of the said Road so diverted and turned: But this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

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

Old Road may be sold,

Buildings or Gardens not to be injured.

Provided always, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands; such Owner or Owners shall be allowed to purchase the same in Preference to any other Person offering the same Purchase-money.

Owners of Lands near the old Road to have the Preference in Purchase.

And be it further enacted, That in case any Jury shall give in, and deliver a Verdict or Assessment for more Monies, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands or Hereditaments, or for such Loss or Damage than what shall have been agreed to, and offered by the said Trustees, or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction

Expences of Juries how to be borne.

faction for any such Right, Interest, or Property, or Loss or Damage, as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have then been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

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

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest, such Sum or Sums of Money as they, or any Seven or more of them shall think fit; and may, and are hereby impowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands, or by any other Words to the same or the like Effect, viz. For borrowing Money.

BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Third, for repairing and widening the Road from *Collingham* through *Wetherby* to the City of *York*, we Seven of the Trustees, in consideration of the Sum of

to the Treasurer of the said Road in

Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Gates, Turnpikes, and Toll-houſes for collecting the ſame, as the ſaid Sum of
doth or ſhall bear to the whole Sum advanced, or to be advanced, on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied:

And Copies of all ſuch Mortgages ſhall be entered in the Book or Books to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees: But no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes acroſs the ſaid Road, at leaſt Twenty-one Days before the borrowing thereof.

Form of Transfer.

And be it further enacted, That all Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt or Benefit to the ſaid Mortgages, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, with or without a Witneſs, the following Words, or Words to the like Effect:

I do transfer this Mortgage, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due upon the ſame, unto , his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

G. H.

And ſuch Transfer and 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 or transfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignments reſpectively, to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof: And all Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the

the Sum or Sums therein mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies so advanced.

Application of Money.

And be it further enacted, That out of the Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Costs relative to procuring and passing this Act; and the Remainder of the Money so raised, shall, from Time to Time, be applied in putting this Act in Execution, and in repaying the Principal Monies borrowed, and the Interest due thereupon.

Interest to be paid in Preference to other Payments.

Provided always, That the Treasurer or Treasurers to be appointed by virtue of this Act, shall, and he and they is and are hereby required, Twice in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of this Act, the Interest that shall be then due upon all Mortgages made or secured by virtue of this Act, if the same shall be demanded, in Preference to any other Payment whatsoever.

Provisions of Publick Act, 7 *Geo.* III. extended to this Road.

And be it further enacted, That the Road hereby directed to be repaired and amended, shall be deemed and taken to be a Turnpike Road, within the Intent and Meaning of an Act of Parliament made in the Seventh Year of the Reign of His present Majesty, intituled, An Act to explain, amend, and reduce into one Act of Parliament, the several Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned; and that all and every Clause and Provision contained in the said last-mentioned Act, shall be in full Force with regard to the Road hereby directed to be repaired and amended during the Continuance of this Act, as if the same had been herein repeated and re-enacted, excepting so far as the Subject-matter of the same, or any Part thereof, is herein otherwise ordered and provided for.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the Riding, Borough, or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness

or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, which Warrant the ſaid Juſtice is hereby impowered and required to grant for thoſe Purpoſes, and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Proſecution, Conviction, Diſtreſs and Sale, are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be, from Time to Time, paid to the Treaſurer or Treaſurers of the ſaid Truſtees, and applied in the Repair of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authoriſed and required, by Warrant or Warrants, under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the Riding, Borough, or Place, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Conviction to be drawn up in the following

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, 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, or in any other Form of Words, as the Caſe ſhall happen, to the ſame Effect:

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 me One of His Majeſty's Juſtices of the Peace for the Riding aforeſaid, *(ſpecifying the Offence, and Time and Place, when and where the ſame was committed, as the Caſe ſhall be)*. Given under my Hand and Seal, the Day and Year aforeſaid.

Allowing an Appeal.

Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the ſaid Weſt Riding, or Place where the

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

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same to be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made, by or on the Behalf of the Party distraining before such Action brought.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, 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, 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 chargeable with any Stamp-duty whatsoever.

Proceedings of Trustees may be produced in Evidence.

And be it further enacted, That all Orders and Proceedings of the said Trustees, at their several Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, when entered, shall be signed by the said Trustees, or such competent Number of them, as is by this Act required; and the said Orders and Proceedings so signed, shall be deemed and taken to be original Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any Thing done by the Authority of this Act.

Certain Parts of the Road not to be under this Act.

And be it further enacted by the Authority aforesaid, That the respective Trustees and Commissioners appointed, and to be appointed, in or by virtue of Two several Acts of Parliament, the One made in the Twenty-third Year of the Reign of his late Majesty King George the Second, (intituled, An Act for the repairing the Road from the City of *York*, over *Skipbridge* to *Boroughbridge* in the County of *York*,) and the other made in the Fourteenth Year of the Reign of his said late Majesty, (intituled, *An Act for repairing the Roads from* Doncaster, *through* Ferrybridge, *to the South Side of* Tadcaster *Cross, and also from* Ferrybridge *to* Wetherby, *and from thence to* Boroughbridge, *in the County of* York,) shall and may survey, order, amend, repair, and keep in repair, the respective Roads or Highways leading from the Junction of the Roads from Boroughbridge and Wetherby aforesaid, to the City of York aforesaid, and from the City of York and Boroughbridge to Wetherby aforesaid, and put in Execution as heretofore, all and every the Powers in and by the said Acts respectively given, so far as the same severally relate to the said Roads between the Junction of the Roads from Boroughbridge and Wetherby aforesaid, to the City of York aforesaid, and from the City of York and Boroughbridge to Wetherby aforesaid; and that the same shall not be liable to the Controul or Orders of the Commissioners or Trustees, in or by virtue of this Act appointed, or to be appointed, or any of them, any Thing herein contained to the Contrary notwithstanding.

No Bar to be erected between *Boroughbridge* and *Wetherby*.

Provided nevertheless, That no Bar shall ever be set up or erected between the Junction of the said Roads from

Boroughbridge and Wetherby, and the City of York aforesaid, nor between the Junction of the said Roads from the City of York and Boroughbridge, and Wetherby aforesaid.

Commencement of Action.

And be it further enacted, That this Act shall commence upon the First Day of June, One thousand seven hundred and seventy-one, exclusive of the Day on which the same shall have passed, and shall continue and be in full Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks, 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 or Suit shall and may plead at his Election specially the General Issue, Not Guilty, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or of a sufficient Satisfaction made or tendered, as aforesaid, or after the Time limitted for bringing the same as aforesaid, or shall be brought in any other County or 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.

General Issue.

Treble Costs.

Publick Act.

And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.