Anno octavo

Georgii III. Regis.

An Act for diverting, altering, widening, repairing, and amending, the Road from *Huddersfield*, in the West Riding of the County of *York*, to *Woodhead*, in the County Palatine of *Chester*; and from thence to a Bridge over the River *Mersey*, called *Enterclough Bridge*, on the Confines of the County of *Derby*.

WHEREAS the Road leading from the Town of Huddersfield, in the West Riding of the County of York, to a certain Place called Woodhead, in the County Palatine of Chester; and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby, is in a ruinous Condition, and in many Places narrow and incommodious for Carriages and Passengers, and cannot be effectually amended, widened, and kept in Repair, by the ordinary Course of Law; May it therefore Preamble.

fore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees Names.

That Sir George Savile, Sir John Lister Kaye, Sir John Ramsden, Sir Thomas Wentworth, Sir George Armytage, Sir Rowland Winn, Sir James Ibbetson, Anthony Armytage, John Armitage, Joseph Armitage, George Armitage, William Armitage, Thomas Armitage, Bryan Allott Clerk, Bryan Allott junior, Clerk; Richard Allott Clerk, Henry Allott, John Allen, Joseph Armitage of Wakefield, Godfrey Bosville, Richard Beaumont, Thomas Beaumont, Joseph Bradley, Thomas Bradley, John Bradley, Edmund Bothomley, John Battye, Daniel Battye, Robert Barbar, Buckley Bower, John Bray, Burton Clerk, Thomas Battye, Godfrey Berrey, George Battley, John Crosland, James Crosland, William Crefwick, Thomas Crosland, William Crosley, John Caygill, Richard Cooke, James Cooke, John Dyson, James Dyson, Lee Dyson, John Dearnalley, George Doxon, George Doxon of Woodhead, John Dickenson, Edward Elmsall, Ralph Elmsall, Joshua Earnshaw Clerk, Nathaniel Eyre, James Eyre, George Eyre, Benjamin Eyre, Vincent Eyre, Abraham Firth, William Firth, George Fisher, Joseph Firth, Thomas Firth, John Fox, Christopher Green, Benjamin Green, Anthony Green, Edmund Green, James Green, John Green, Thomas Green, Emor Green, Joseph Greaves, John Greaves, Richard Gill, Henry Grice, George Green, Joseph Green, Samuel Greenwood, John Greame, John Hatfield, Alexander Hatfield, Westby Hatfield, William Horsfall, William Hague, Samuel Haigh, John Haigh, William Haigh, Thomas Hatfield, John Hatfield, Jonathan Hatfield, Abraham Haigh, John Hinchliffe, James Haigh, John Harrop Clerk, Edward Hasleham Clerk, Jonas Hobson, John Hobson, Joseph Hirst, Jonathan Hirst, Jonathan Hobson, Marmaduke Hebden, Thomas Hudson, John Hudson, William Helm, Ebenezar Jackson, Ismay Clerk, Benjamin Ingham, Joshua Ingham, Joseph Jaggar, William Jaggar, John Hatfield Kaye, John Kenworthey, Paul Kaye, John Kaye, William Knight, Edwin Lascelles, Henry Lascelles, Richard Lumb, John Lumb, Robert Lumb, Joshua Littlewood, Thomas Littlewood, Jonathan Lockwood, Rueben Lockwood, Henry Lister, Thomas Lister, Japhet Lister, James Maude, Francis Maude, Francis Maude, William Maude, John Milnes,

Pemberton Milnes, Robert Milnes, Richard Milnes, John Marſden Clerk, James Marſden, William Mountjoy Clerk, George Morehouſe, Joſhua Marſden, Joſeph Mitchell, Joſeph Morehouſe, William Marſden, Thomas Marſden, William Marſden junior, Benjamin North, Francis North, John Newton, Benjamin North of Lockwood, Edward Oates, Thomas Oates, Edward Prince, Robert Parker, Edward Parker, William Radcliffe, Charles Radcliffe, Aymor Rich, Thomas Radcliffe, William Radcliffe of Brighouſe, John Rimmington, Joſeph Robinſon, Joſeph Roberts junior, David Roberts, John Roebuck, Abraham Roberts, Jonathan Roberts, John Roberts, Benjamin Radcliffe, William Radcliffe, John Royds, Jeremiah Royds, Robert Royds, Richard Rhodes, John Rhodes, Chriſtopher Rawſon, John Spencer, John Smith, John Stanhope, Charles Steer, Michael Stocks, William Serjeantſon, Henry Shaw, Richard Somiſter, James Shaw, Richard Shackleton, Jonathan Shaw, Joſeph Swallow junior, Robert Scott, Thomas Sayer, David Stansfield, Thomas Thornhill, George Thornhill, Richard Thornton, William Thompſon, Richard Towne, Uriah Tinker, George Tinker, Joſhua Tinker, John Tinker, Tedbar Tinker, Daniel Taylor, James Thornton, Henry Venn Clerk, Richard Wilſon, Joſhua Wilſon, Joſeph Wilſon, Francis Wood, Benjamin Wilſon junior, John Waugh, Jonathan Weſt, Thomas Weſt, William Whitaker, William Wilcock, John Woodhead, Abraham Woodhead, James Walker, Benjamin Walker, Joſeph Walker, Edmund Walker, William Walker, William Walker junior, William Walker of Rawthorpe, Joſeph Wood, Joſias Wordſworth, Ely Wimpenny, Joſhua Wimpenny, Samuel Wimpenny, Haigh Walker, Robert Walker, Joſeph Walker of Laſſellhall, Samuel Walker, John Waterhouſe, Samuel Waterhouſe, Thomas Wagſtaffe, James Walton, John Walton, Michael Wainhouſe, Joſeph Walker, ſhall be, and they and their Succeſſors to be elected in manner herein after-mentioned, are hereby appointed Truſtees for ſurveying, ordering, altering, widening, and amending and keeping in Repair, the ſaid Road, and for putting in Execution all other Powers by this Act given.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, 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 Turn-

pikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, cross, or on One 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, shall be permitted to pass through such Turnpikes or Toll-gates, the several Tolls and Duties following; (that is to say,)

and take the following Tolls thereat.

The Tolls.

For every Pair or Yoke of Oxen, and for every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Eight Pence.

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

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, the Sum of Five Pence per Score; and so in Proportion for any less Number.

Tolls vested in Trustees.

Which said several Tolls and Duties 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.

Property of 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 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

such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons shall be subject to pay any Toll more than Once in any One Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Cattle, or Carriage, through all or any Turnpike or Turnpikes to be erected in pursuance of this Act; such Person producing a Note or Ticket denoting that such Toll has been paid on that Day; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Penalty on Persons giving or receiving Tickets to avoid Payment of the Tolls.

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

Tolls to 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, 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, 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,

Distress may be sold after 4 Days.

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, and keeping, and selling the same, shall be deducted and paid.

Penalty on 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 authorized to be taken by this Act, or any Part thereof, shall be avoided; or if any Person or Persons shall unload any Goods or other Merchandize, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near any of the said Roads, any Cattle or Carriage as aforesaid, or shall conceal or secrete any Goods or other Things chargeable with Toll, with such Intent as aforesaid; every Person, so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

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

Exemptions from Toll.

Provided always, That no Toll shall be collected or taken from any Person or Persons going to, or returning from, the Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of York, Chester, or Derby, 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 Road, or any Road in any of the Townships, Hamlets, Parishes, or Places, wherein the same do lie; or loaden 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 Road doth 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 Road doth lie; nor shall any Toll be taken of any Person residing in any of the Parishes or Places in which any of the said Road lies, who shall pass through any Turnpike or Gate to or from their proper or parochial Church or Chapel, 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, being for the Use and Consumption of the Owners in his or her Dwelling-house, and not for Sale; 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 Passages: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled thereto, such Person shall forfeit and pay the Sum of Forty Shillings. Penalty on making illegal Claims.

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, or travel along the said Road for the Space of One hundred Yards only. No Toll to be taken for crossing the Road only.

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 Road 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. Trusteesmay compound with Travellers.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, by Writing under Trustees may lease, &c. the Tolls.

their Hands and Seals, at any Time during the Continuance of this Act, to let, 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, 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, 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 Repayment 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 Twenty Days before borrowing of such Money.

Notice to be given of borrowing Money.

Assignments may be transferred.

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

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

Entries to be made of all Assignments.

Clerk's Fee.

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, 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 any Seven or more of them shall be ordered and appointed for that Purpose, and not otherwise.

Trustees may apportion 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, or the major Part in Number and Value thereof, in Writing first had and obtained at a general Meeting to be called for that

Trustees may lessen the Tolls,

that Purpose (whereof Thirty Days publick Notice in Writing shall be affixed upon all the said Turnpikes) 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.

and raise them again.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That the Money arising from the Tolls and Duties hereby granted, 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 of the several Lands, Grounds, Buildings, Tenements, and Hereditaments, to be purchased by virtue of this Act, for and 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, and 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 for the Purchase of Lands, &c. to be laid into the Roads.

And be it further enacted by the Authority aforesaid, 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 Road 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 Road,

or

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 Land and Ground so to be purchased, shall and may be made use of, and shall be converted into, and be made Part of, the said Road, 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 Seven 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 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 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.

Provided always, That in case the said intended Road shall be made from Huddersfield aforesaid, to the Village of Lockwood, by or near the Engine House in the Township of Huddersfield, such new Road shall follow the Path that is now used as a Footway, and leads from the said Engine House to the said Village of Lockwood, making Satisfaction to the respective Owners of the Lands through which such Road shall happen to pass, in like Manner as directed by this Act where private Property is cut through. Proviso.

And whereas it may happen that some Persons or Bodies Politick, Corporate, or Collegiate, Infants, Femes-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 may be thought necessary and proper to be purchased for the making or altering the said Bodies Politick, &c. may contract for the Sale of such Lands.

Road, and such Persons, Bodies Politick, Corporate, or Collegiate, Infants, Femes-covert, Feoffees, or Lessees, may be willing to treat or agree for 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, Femes-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 or in pursuance of this Act.

Where Persons refuse to treat, &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 any Lands or Grounds 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, 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 Road 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, and in every or any such 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 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, who shall be sworn in Manner aforesaid: 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 a Witness or Witnesses touching or concerning the Premisses (which Oath any One or more of such Trustees, or One or more Justice or Justices of the Peace for such County, Riding, or Division, where such Lands shall lie, 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

Trustees may issue a Warrant to the Sheriff, &c. to impanel a Jury.

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

Jury to settle the Damages and Recompence.

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 Politick, 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 Road hereby directed to be repaired, for ever.

Verdict of the Jury to be final.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, 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

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.

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 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 if, after Ten 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, or Tenements, as ſhall be pulled down by virtue hereof, and ſo to be converted and laid into the ſaid Road, ſhall to all Intents and Purpoſes from thenceforth become and be deemed and taken to be a publick Highway.

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

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

and deemed a publick Highway.

Provided always, and be it enacted by the Authority aforeſaid, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Lands,

Expences of the Jury how to be borne.

Grounds, Houſes, Buildings, Tenements, or Hereditaments, or for any Damage to be done thereto, than what ſhall have been offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury, and the Witneſſes, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Jury ſhall give a Verdict for no more or for leſs Monies than ſhall have been offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning ſuch Jury for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, ſhall be borne by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; and ſuch Expences having been aſcertained and ſettled by Two of his Majeſty's Juſtices for the ſaid Weſt Riding, ſhall be deducted and taken out of the Monies ſo aſſeſſed, and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Truſtees 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 any ways concerned in Intereſt.

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, 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 Road 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 any 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 ſame, and no longer; making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Ground reſpectively, for the Damages ſuch Owners or Occupiers

making Satisfaction to the Owners.

ers 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 Lands or Grounds shall lie, to hear, settle, adjudge, and finally determine the same. Justices to determine Differences.

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, repaired, and widened; and, from time to time, to remove and displace such Officers, as often as they shall think fit, and to appoint new ones in case of Death or Removal; and out of the Money arising by virtue of this Act, the said Trustees, or any Five 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, or any Five or more of them, 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 is and 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

and remove them, and appoint others. Trustees to appoint Officers; Trustees to allow Officers Salaries. Officers to account upon Oath. Officers refusing to account, Justices to enquire into the Default,

quiry 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 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 County or 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 to the said Trustees, or any Five or more of them, or to their Appointment; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and commit the Offender,

until Payment or Composition made.

Provided always, 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, &c. 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 all Obstructions and Annoyances upon the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, laid upon, or running into, or along, or out of, any Part of the said Road, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Ditches or Watercourses adjoining to the said Road, 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 Road, or on the Banks or Hedges adjoining thereto (the Owners or Occupiers of the Premises 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,

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors,

courses, 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 levied and recovered by Distress and Sale of the Goods and Chattles 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 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.

to be levied by Distress and Sale.

Penalty on a Second Offence.

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 Road, 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 Road 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 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.

Surveyors may make Causeways, &c.

and erect Bridges;

making Satisfaction to the Owners.

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

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 Road doth lie, for the making and repairing thereof; and for want of a sufficient Quantity of 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 adjudge 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 or 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.

without paying for the same;

making Satisfaction to the Owners,

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

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 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, digged, or gathered, 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 such Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale;) every Person and Persons so offending, and being 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 Five Pounds.

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 Road 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 on the said Road, and also Guide or Direction Posts at such Place or Places 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 any Posts which shall be erected and set up as aforesaid, or any Posts which shall be erected for protecting any Horse or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act; or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon; or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on Oath of One or more credible Witness or Witnesses, before 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,

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

or

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: And in case the Person or Persons so offending and convicted, shall have no Goods and Chattles whereon sufficient Distress may be made; then it shall and may be lawful to and for such Justice or Justices respectively, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the 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 so offending and convicted shall not be discharged, till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Month.

Surveyors of the Highways to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective 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 Road 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 Days Work in or upon any Part or Parts of the said Road; and the 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

Penalty on Surveyors neglecting to deliver Lists.

or

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 Road, shall, after such Summons or publick Notice, neglect or refuse to do and perform his or their Statute-work on the said Road, 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 make Default; and if any Labourer, or other Person or Persons so chargeable towards the repairing the said Road, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform his or their Statute-work or Duty on the said Road, 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 Road, 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.

Penalty on Persons not performing Statute-work.

Persons found idle, to be turned off.

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 Road, 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 other Statute-work in such Year on the said Road; and that no Inhabitant of the Townships of Almondbury and Hondley shall be liable to do any more than One Day's Statute-work on the said Road in any One Year; any thing herein contained to the contrary notwithstanding.

No Person to do more than Two Days Statute-work in One Year.

Almondbury and *Hondley* Parishes not liable to do more than One Day's Work.

Persons liable to repair Bridges, &c. 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, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments; or by 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 ancient Usage, Custom, Law, or otherwise, to have been amended, maintained, and kept in Repair.

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

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 public 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 Road, 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. for Statute-work.

And be it further 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, 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 Road, or of any Bridge, Causeway,

way, Drain, or Sewer, lying within or upon the said Road, or any Part thereof, 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 Road belongs, 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 Repair of any Part of the said Road, or to perform Statute-work thereon, by virtue of any Statute or otherwise, for a certain Sum of Money, 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; all which Compositionmonies shall be paid in advance, and shall be applied for the Purposes of this Act; and an Account thereof 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.

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, or along, any Part of the said Road, 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.

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted 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, 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 thereof, or for doing and performing any other Work directed to be done and performed by virtue of this Act, 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 the Person or Persons so contracting as aforesaid: And all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the said Trustees, or any Five or more of them, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workmen, or other Person or

All Contracts &c. entered into by Trustees, deemed valid.

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.

Time and Place of Trustees Meeting.

And be it enacted by the Authority aforesaid, That the said Trustees shall meet on Wednesday the Twenty seventh Day of April, One thousand seven hundred and sixty eight, at the House of Frances Murgatroyd, known by the Sign of the George in Huddersfield aforesaid, 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 Road 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 in 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 Three Weeks; and that all the said Trustees, at all their Meetings, shall defray their own Charges and Expences; and that no Trustee shall be impowered to do any Act in Execution of the Powers hereby granted, otherwise than at Meetings held in pursuance of this Act.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

On Death or Removal, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the 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, to elect and appoint another fit and able Person, living within the Counties of York or Chester, instead of such Trustees; and every such Person so elected shall be joined with the said 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

named in, and appointed 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-cross of the said Town of Huddersfield, signed by the Clerk, at least Ten Days before such Election. Notice thereof to be given.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee for the Purposes of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One hundred and fifty Pounds, or possessed of, or intitled to, a Personal Estate, to the Amount of One thousand five hundred Pounds: And if any Person hereby made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act; every Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act; One Moiety of such Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied for the Purposes of this Act. Qualification of Trustees. Penalty on acting, if not qualified.

Provided always, and be it enacted by the Authority aforesaid, That no Trustee shall have or enjoy any Place or 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. No Trustee to accept of a Place of Profit arising from the Tolls.

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 Counties of York or Chester, 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. Trustees who are in the Commission of the Peace may act as Justices.

Provided always, and it is hereby enacted, That no Order made by the said Trustees, or any Five or more of No Order made to be repealed, &c.

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 shall be given for that Purpose by the Direction of such Trustees, or any Five or more of them, signed by their Clerk, and affixed on all the Turnpike-gates erected by virtue of this Act, and at the Market-cross of the Town of Huddersfield, at least Ten Days before the Meeting for repealing of such Order.

Proceedings to be entered in Books.

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 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.

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, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by, the said Trustees, or any Five or more of them, 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 this Act.

And be it further enacted by the Authority aforesaid, That all the Powers hereby granted shall take Place and have Continuance from and after the Twenty first Day of April, One thousand seven hundred and sixty eight, 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, or Hands and Seals, of One or more Justice or Justices of the Peace for the County, Riding, or Division, where

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 Road, 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 Sessions.

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 Sessions, which shall be held next after such Grievance, (unless such Grievance shall happen within Fourteen Days preceding such next General Quarter Sessions, 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 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, before any Appeal shall be allowed, enter into a Recognizance before some Justice of the Peace for the County, Riding, or Division, where 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,

Notice of Appeal to be given.

Recognizance to be entered into.

ty, 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.

No Victualler to act under this Act.

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.

Form of Conviction.

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 Justice and Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect;

West Riding of the County of *York*. } BE it remembered, That on the in the Year of his Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the Riding aforesaid, or before of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Eighth Year of His present Majesty King *George* the Third, intituled, *An Act for diverting, altering, widening, repairing, and amending, the Road from* Huddersfield, *in the West Riding of the County of* York, *to* Woodhead, *in the County Palatine of* Chester; *and from thence to a Bridge over the River* Mersey, *called* Enterclough Bridge, *on the Confines of the County of* Derby; specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.

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 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*.

And

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 Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto: Nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for want of Form;

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

And be it further enacted, 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 any 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 shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid; 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 any other Cases by Law.

Limitation of Actions.

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.