Anno tricesimo primo

# Georgii II. Regis.

An Act for repairing and widening the Roads from *Little Sheffield*, in the County of *York*, through the Towns of *Hatherſage*, *Hope*, and *Caſtleton*, to *Sparrowpit Gate*, in the County of *Derby*; and from the *Guide Poſt* near *Barber's Field's Cupola*, through *Grindleford Bridge*, *Great Hucklow*, *Tidſwell*, *Hardgate Wall*, and *Fairfield*, to *Buxton*, in the County of *Derby*.

WHEREAS the Road leading from the Three Lane Ends, in or near Little Sheffield in the County of York, through the Towns of Hatherſage, Hope, Caſtleton, and from thence to Sparrowpit Gate, in the County of Derby; and alſo the High Road from the Guide Poſt in the ſaid County of York, near Barber Fields Cupola, in the ſaid County of Derby, through the ſaid Townſhips or Villages of Grindleford Bridge, and Great Hucklow; and from thence through the Towns of Tidſwell, Hardgate Wall, and Fairfield, to the Town of Buxton, in the ſaid County of Derby, are in a very ruinous Condition, narrow in many Places, and dangerous to Travellers, and the ſame cannot be repaired and widened by the preſent Methods preſcribed by Law; May it pleaſe Preamble.

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 Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called Lord John Cavendish; John Archer Esquire, James Allott, Thomas Allen, John Allen, Samuel Bagshaw, Richard Bagshaw, William Bagshaw, John Bagshaw, Henry Bridgman, Henry Balguy, Esquires; Edward Bagshaw, Francis Bower, Clerks; Alexander Barker, John Barker of Bakewell, John Barker of Litton, John Beech, Richard Bower, William Bower, William Bosley, Joseph Broadbent, Dennis Browne, Thomas Bolsover, John Battie, William Battie, William Battie the younger, Thomas Bright of Sheffield, Thomas Bright of Gray Stones, Thomas Bright Clerk, William Burton, George Burton, William Binks, George Binks, Thomas Bridges, John Bright of Pontefract, John Baines Clerk, John Booth of Brushes, Sir Nathaniel Curzon Baronet, Henry Cope Esquire; Master Cutler of the Company of Cutlers of Hallamshire, for the time being; Joseph Clay, William Carliel, John Cockshut, John Creswell of Litton, John Creswell of Ashford, William Cotterel of Fairfield, Thomas Creswell of Edale senior, Thomas Creswell of Edale junior, William Carrington of Edale, William Clulow, Downs Esquire, Henry Downs Clerk, Samuel Dawson, Robert Dent, Robert Dent the younger, James de la Pryme, William Doughty, John Deardon of Ecclesfield, Edward Dakin of Fairfield, Edward Dakin junior of Green Fairfield, Thomas Eyre, Rowland Eyre, Henry Eyre, Esquires; Vincent Eyre the younger, George Eddowes, George Elliott, William Fitzherbert, Richard Fitzherbert, Robert Freeman, Thomas Froggett, Esquires; John Frith of Bagshaw, Jasper Frith, John Frith of Bank, Samuel Frith, Joseph Frith, William Fearn, John Fell, Richard Fenton, John Fenton, John Fenton Apothecary, Samuel Fisher of Eccleshall, William Fox, William Fox, William Fox the younger, Samuel Foxlow, John Gisborn, Philip Gell, Esquires; John Goddard, John Griffith, John Griffith junior, Middlemore Griffith, Clerks; William Goodwin of Greatrox, James Grove, William Green Doctor of Physick, Charles Greaves of Rowlee, Anthony Goodwin of Greatrox, Thomas Green, George Greaves, John Goodwin of Cowlow, Sir Henry Hunlock Baronet,

Trustees Names.

Baronet, Charles Hadfield Clerk, Francis Hurt Esquire, Charles Heaward of the Hardgate Wall, Brian Hodgson, Micah Hall, John Hussey, William Harrison, William Harrison the younger, Thomas Hanley, Edward Hawke, John Hirst, John Hadfield, Abel Heurtleu, William Hildreth, Charles Heaward, Simon Jackson Clerk, Joseph Ibberson, Thomas Jackson of Tidswell, Henry Kirk of Martinside, Henry Kirk of Eaves, Ralph Keeling, Joseph Kenyon, James Kenyon, Sir Mathew Lamb Baronet, George Langstaff, John Littlewood, William Longsdon, Thomas Longsdon, Henry Longdon of Barmes, Robert Longdon of Tidswell, Matthew Lambert, John Lund, Richard Longdon of Wermhill, Joseph Meller Clerk, James Moore, Francis Morton, Jonathan Moore, Joshua Mathewman, Joseph Mathewman, James Mather, Joseph Mitchill, Robert Newton Esquire, Robert Needham, Joshua Needham, Jolin Nodder, Isaac Nodder, Thomas Newbold, John Nutt, George Nelson, Thomas Nelson, Walter Oborne, Edward Oates, Joseph Owen, Charles Oates, Strelly Pegge Esquire, Samuel Phipps Clerk, William Phipps of High Green, John Parker, John Parker the younger, Aymor Rich, John Rotherham, Gilbert Rhodes, Esquires; Benjamin Roebuck, Gilbert Roberts, Joseph Roberts, Thomas Rawson, John Redfearne, John Redfearne the younger, Saint Andrew Raynes, John Spencer, William Simpson, William Sitwell, Esquires; John Simpson, Thomas Seyward, Thomas Savage, Clerks; Philip Sheldon, Thomas Slack, Peter Steel, Rowland Swan, John Shirecliff, Samuel Shore, Samuel Shore the younger, John Stacey Clerk, Thomas Stacey, George Smith, John Sparrow, William Staniforth, Mark Skelton, Thomas Smith, Samuel Smith, Samuel Smith the younger, Joseph Steer, Benjamin Steade, Thomas Steade, Thomas Steade the younger, George Shaw, John Smilter, Edward Sheppard, William Savage, William Stainforth of Mosbrough, John Smith, Joseph Smith the elder of Chapel Town, Hugh Spooner, Thomas Scholey, John Stint of Edale, Henry Thornhill, Nicholas Twigg, John Twigg, Esquires; Daniel Taylor, George Thornhill, John Thorp, Robert Turner of Grindleford Bridge, John Taylor, John Turner, Daniel Tym of Edale, Joseph Tym of Edale, Edward Wortley, Andrew Wilkinson, Charles Wilkinson, Thomas Wright, John Wright, Esquires; James Wilkinson, Thomas Wormald, Thomas Wright, Clerks; Thomas Wright of Eyam, Thomas Walton Field, Silvester Wadsworth, Leonard Webster, William Watson, William Watson the younger, Samuel Watson of Whiteley Wood, Joseph Wilson, John Wilson, Richard Wright, Gervas Wright, Thomas Wright, Tho-

mas Wright the younger, Thomas Waterhouse, John Waite, John Wilson of Broomhead, Samuel Webster, Thomas Younge Doctor of Physick, John Trevers Younge, shall be, and they are hereby appointed Trustees, for surveying, ordering, amending, and keeping in Repair the said Roads, and also for putting in Execution all other the Powers and Authorities hereby granted; and they and their Successors, or any Seven or more of them, are hereby authorized and impowered to cause to be erected and set up One Toll-gate or Turnpike and Toll-house on the said Roads, within Twenty Yards of the West End of a publick House, now inhabited by Richard Greaves, at Sharrow-moor-head; and also One other Toll-gate or Turnpike and Toll-house at the East End of Mytham Bridge; and that when the said Trustees, or any Seven or more of them, shall order and direct the said Road from the Guide Post, at or near Barber Fields Cupola to Buxton, to be repaired, One other Toll-gate or Turnpike and Toll-house at the East End of Grindleford Bridge; and also One other Toll-gate, or Turnpike and Toll-house, at the Stone Bench between Fairfield and Buxton, and shall demand and take at each of the said Turnpikes or Toll-gates, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Curricle, Hearse, Calash, Chaise-marine, Chair, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through the same, the several Tolls and Duties following; that is to say,

Trustees may erect Turnpikes and Tollhouses,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricle, Hearse, Calash, or Chaise-marine, drawn by Six Horses, or other Beasts, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts, the Sum of One Shilling and Six Pence; and drawn by Two Horses, or other Beasts, the Sum of Six Pence.

And for every Post-chaise drawn by Four Horses, or other Beasts, the Sum of One Shilling.

And for every Chaise or Chair drawn by One Horse, or other Beast, the Sum of Three Pence.

And for every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three Pence (except Carriages going empty to fetch Coals, or loaded with Coals, or returning empty, having delivered

such Loading) for which no more shall be demanded or taken than the Sum of Two Pence for each Horse, or other Beast drawing the same.

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

For every Horse, Mare, Gelding, Mule, Ass, or other Beast unladen, going to fetch Coals, or which shall be laden with Coals, or returning unladen, having delivered such Loading, the Sum of One halfpenny.

For every other Horse, Mare, Gelding, Mule, or Ass, or other Beast, laden or unladen, and not drawing, the Sum of One Penny.

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said Tolls and Duties hereby granted and made payable, shall be demanded and taken in the Name of, or as a Toll or Duty; and the same shall be and is hereby vested in the said Trustees, and shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned and directed. Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected by virtue of this Act, shall be vested in the Trustees appointed, or to be appointed, for the putting this Act in Execution; and they, or any Seven or more of them, are hereby impowered to dispose thereof as they shall think proper; and to bring Actions in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers; or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them, so erected as aforesaid, or any Part thereof respectively. Turnpikes and Toll-houses vested in the Trustees.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who Tolls to be levied by Distress and Sale.

who shall, after Demand thereof, neglect or refuse to pay such Tolls or Duties, as aforesaid, by Distress of any Horse or Horses, or other Cattle, or Goods, upon which such Toll or Duty is by this Act made payable, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same; and to keep and detain the same, until such Tolls or Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid: And it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken, to sell the Goods so distrained and detained, returning the Overplus (if any be) upon demand, to the Owner thereof, after such Tolls and Duties, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 5 Days.

Charges of Passing this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, out of the Money arising by the Tolls or Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, shall in the first Place pay and discharge the Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Money so raised in erecting Toll-gates, or Turnpikes and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning, renting, or occupying, any Land near unto any Turnpike to be erected in pursuance of this Act, shall wittingly permit or suffer any Person or Persons whomsoever, to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, or Chair, Hearse, Chaise Marine, Waggon, Wain, Cart, or other Carriages, or riding, driving, or leading, any Horse, Mare, Mule, Ass, Sheep, or any Sort of Cattle; or if any Person or Persons, shall go or pass through any Land, Ground, or Way, with any Carriage or Cattle, the same not being a common Highway, whereby the Payment of any of the said Tolls or Duties by this Act granted, shall or may be avoided, every Person so offending, and being thereof convicted, upon Oath or upon Affirmation before the said Trustees, or any Five or more of them, who are hereby impowered to administer such Oath or Affirmation, or before One or more Justice or Justices of the Peace for the said County

ty of Derby, or West Riding of the County of York, where such Offence is committed, shall forfeit and pay to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or of such Justice or Justices, rendering the Overplus (if any be) of the Money arising by such Sale, which shall remain after the Payment of the said Penalty, and the Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by the said Justice or Justices, are deducted, unto the Owners of the Goods so distrained and sold.

Reservation of Rights.

Provided always, and it is hereby enacted and declared, That nothing herein contained, shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politic or Corporate, to any such Tolls or Duties as have of Right and by long Usage, been had and lawfully taken upon any Part of the said Roads.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, or cross any Way or Lane leading out of the said Roads, or any Part thereof, to prevent Frauds and Abuses in evading the Payment of the said Tolls, or any of them, hereby imposed and made payable, and there to receive and take such Tolls or Duties as are by virtue of this Act to be taken, at any of the Turnpikes to be erected in pursuance thereof, so as the same do not extend to a double Charge, upon any Person or Persons passing through any other of the Toll-gates or Turnpikes, erected by virtue of this Act.

and take Tolls thereat.

Tolls to be paid but Once a Day.

Provided always, and it is hereby further enacted, That no Person having Occasion to pass through any Gate or Turnpike to be erected by virtue of this Act, who shall return or repass through the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the next Night, with the same Coach, Berlin, Landau, Chariot, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse or other Cattle, and shall produce a Note or Ticket of the Day denoting that the Toll or Duty was paid at such Gate or Turnpike (which Note or Ticket, the said

Collector or Collectors, is and are hereby required to give gratis, on Receipt of the Toll) shall be liable to pay the said Toll or Duty more than Once, at the said Gate or Turnpike.

Inhabitants of *Fairfield* exempted from Toll at *Stone Bench*, going to or returning with, &c. Corn from the Mill there.

Provided always, and be it enacted, That when a Toll-gate or Turnpike shall be erected at the Stone Bench aforesaid, no Toll or Duty shall be demanded or taken of or from any of the Inhabitants of the Hamlet of Fairfield, for the passing of their Cattle or Carriages through the said Toll-gate or Turnpike, loaded with Corn, going to Fairfield Mill, or returning empty, having delivered such Loading, or going empty to fetch such Corn ground, and returning loaded therewith.

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

And 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, denoting the Payment thereof, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Tolls or Duties, every such Person giving, disposing, or offering, and the Person receiving, such Note or Ticket, Notes or Tickets, and being thereof convicted, upon Oath or Affirmation, before the said Trustees, or any Five or more of them (who are hereby impowered to administer the same) or before any One or more Justice or Justices of the Peace for the said County of Derby, or Riding aforesaid, within their respective Jurisdictions, shall respectively 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.

No Toll on Election Days.

Provided also, and it is hereby enacted, That no Toll shall be taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of York and Derby, on the Day or Days of such Election.

Persons and Things exempted from Tolls.

Provided always, and it is hereby declared, That no Person who shall pass through any Gate or Turnpike to be erected in pursuance of this Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriages, or any Horse, Ass, or Mule, laden with, carrying, drawing, or empty and going for, or returning, having been laden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Roads in the Townships in which the Roads hereby directed

rected to be repaired, or any Part thereof, doth lie; nor shall any Person be chargeable with the said Tolls or Duties for any Carts, Wains, Waggons, or other Carriages, laden with, or empty and going for, or returning empty, having been laden with, on the same Day, Hay, or Corn in the Straw only, or any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry for manuring and improving of Lands in the said several Townships; nor shall any Toll or Duty be taken or demanded from any Person who may hold or occupy any Farm within any Township or Hamlet in which any Toll-gate or Toll-bar shall be erected, going to or returning from any Part of his said Farm; nor from any Person or Persons residing in any of the said several Townships, in which the said Roads, or any Part thereof, respectively lie, who shall pass through any of the same Turnpikes or Cross Gates, to or from their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship they usually resort to on Sundays, or who shall attend the Funeral of any Person or Persons that shall die or be buried in any of the said Parishes; nor for any Horse or Cattle going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers passing that are upon their March, or for Waggons, Wains, Carts, and Carriages attending them; or for Horses, Carts, and Carriages travelling with Vagrants sent by Passes, or returning after having been so employed.

Proviso.

Provided always, That nothing herein contained shall extend, or be construed to extend to exempt Carriages or Cattle laden with Lime from the Payment of the Tolls or Duties hereby granted.

Penalty on Persons making illegal Claims.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings.

No Toll to be paid for crossing the Road only.

Provided also, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act on the Side of any Part of the said Roads hereby directed to be repaired, for any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriages, which cross the said Road only.

Particular Exemptions.

Provided also, and it is hereby enacted, That no Toll or Duty shall be taken at the Toll-gate or Turnpike next Sheffield, for any Waggon or other Carriage passing through

through the same, loaded with Grinding Stones for the Manufacture of Cutlery Ware in Hallamshire; nor for any Horse or Carriage loaded with Water; nor for any Horse, Mule, Ass, or other Beast, loaded with Milk only; nor for any Carriage, Horse, Mule, Ass, or other Beast, loaded with Coal, the Driver thereof producing a Note or Ticket of their having come through the Toll-gate or Turnpike at Heeley the same Day with the same Loading; nor for any Carriage, Horse, Mule, Ass, or other Beast, returning through the said Gate next Sheffield empty, having delivered such their respective Loading as aforesaid.

Persons, &c. chargeable to the Highways, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given by any Person or Persons whatsoever, for and towards the repairing and amending the said Roads, or any Part thereof, shall and do pay and apply such Part of the Rents, Issues, and Profits, of the said Messuages, Lands, and Tenements, and of the said Rents and Annuities, and Money so given for the repairing the same, to the said Commissioners, or any Five or more of them, or their Treasurer for the time being, to be by them laid out and expended in repairing such Part of the said Road, for which the same were originally given; and to that End, the said Trustees, or any Five or more of them, are, or their Treasurer for the time being is, hereby impowered to accept and receive of and from such Grantees, Trustees, Feoffees, or Committees, such Rents and Profits, and Money as aforesaid, and to give Receipts and Acquittances for the same.

Persons liable to do Statute-work, to continue so.

Provided also, That all and every Person and Persons by Law chargeable towards repairing or amending the Highways or Roads hereby intended to be repaired, shall still remain chargeable, and do their respective Work in the said Parishes in which the said Highways or Roads do lie, as before the passing of this Act, he, she, or they, ought to have done.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, of and for the several Townships in which any Part of the Roads intended to be repaired by this present Act, doth lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them respectively in Writing, by the Surveyor or Surveyors appointed or to be appointed by virtue and in pursuance of this present Act, give in and deliver to such

such Turnpike Surveyor or Surveyors, an exact List or Account in Writing under his or their Hand or Hands, of the Christain and Sirnames of all and every Person and Persons in the said respective Townships and Places, who are by Law chargeable towards repairing the Highways 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 Township Surveyor or Surveyors for the time being respectively, within Seven Days after Notice shall be given them by the respective Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he would have to do such their respective Statute or Days Work in or upon any Part or Parts of the said Roads, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor or Surveyors for the said Towns or Places aforesaid, shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to 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 each Team, Cart, or Draught, to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings for every Team, Draught, or Cart, making Default each of the said respective Days; or if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, 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 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 Roads, 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

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

and on Persons not performing Statute-work.

Persons found idle to be discharged and forfeit.

be found idle and negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

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

Provided always, and be it further enacted by the Authority aforesaid, That every Person chargeable towards repairing the Highways or Roads aforesaid, shall, during the Continuance of this Act, do and perform in the Repair of such Parts of the said Roads as lie in their respective Townships, so many Days, or such Share or Proportion of the Six Days yearly, commonly called The Statute work, as the said Trustees, or any Seven or more of them, shall, by Writing under their Hands, direct and appoint; and the said Trustees in such Appointment of such Share or Proportion of such Statute-work, having Regard to the other Highways in such Townships respectively not to be repaired by virtue of this Act.

Trustees may compound with Persons for Statute-work.

Provided always, 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, from time to time, during the Continuance of this Act, at any publick Meeting, to compound or agree by the Year, or otherwise, with any of the Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to, or chargeable with, the Repair of any Part of the said Roads, 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, or Hereditaments, chargeable as aforesaid.

Times and Places of Trustees Meetings.

And be it further enacted by the Authority aforesaid, That the said Trustees shall hold their First Meeting at the House of Master William Watson, known by the Sign of the George in Sheffield aforesaid, upon the Friday Three Weeks after the passing of this Act; and at their First, or any subsequent Meeting, any Seven or more of them, shall and may, by Writing under their Hands and Seals, elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, taking such Security

Trustees may appoint Officers.

curity for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the Roads, and see that the same be repaired and amended, and the Money by this Act raised and expended duly applied; and also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion, and shall and may appoint new ones, in case of Death, or such Removal; and such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Treasurer and Treasurers, and all other Person or Persons appointed as aforesaid for receiving the said Tolls or Duties, and also such Surveyor or Surveyors as aforesaid, shall, upon Oath or Affirmation, if thereunto required by the said Trustees, or any Seven or more of them, before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace for the County of Derby, or Riding aforesaid, within their several Jurisdictions (which Oath and Affirmation respectively such Trustees, or any Seven or more of them, or such Justice or Justices, is and are hereby impowered to administer) on the First Friday in every Month, or oftener, if required, during the Continuance of this Act; and that on the First Friday in April in every Year, the said Treasurer or Treasurers for the time being, shall fully close and settle their Accounts for the Year preceding, and give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, respectively, shall, to such Time, have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices; for which Oath or Affirmation no Fee or Reward shall be taken; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the same Trustees, or any Five or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same; and shall be laid out and disbursed in amending the said Highways or Roads, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or

Treasurer to give Security.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

any Seven or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or other Officers so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Highways or Roads to be amended and repaired, by advancing, lending, or laying out any Monies, or otherwise relating thereto, as to them shall seem good: And in case the said Treasurers, Receivers, Collectors, or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Seven or more of them, aforesaid, that then the Justices of the Peace at any Special or other Sessions to be be held for the County of Derby, or Riding, aforesaid, within their respective Jurisdictions, shall make Enquiry of and concerning such Default in a summary Way, as well by Confession of the said Parties themselves, as by the Testimony of One or more Witness or Witnesses, upon Oath or Affirmation; and which Oath or Affirmation they are hereby impowered and required to administer, without Fee or Reward: And if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County where such Offence was committed, without Bail or Mainprize, until he or they shall have made true and perfect Account, and Payment as aforesaid; or shall have compounded and agreed with the said Trustees, or any Seven or more of them, and paid such Composition to their Treasurer for the time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting, are hereby authorized and impowered to make.

Officers not making Account and Payment,

Justices upon Complaint to enquire into the Default,

and commit the Offender.

No Victualler, &c. to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the said Trustees appointed, or to be appointed, to put this Act in Execution, shall be capable of holding any Office or Place of Trust, under or by virtue of this Act.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor and Surveyors, to be appointed by virtue and 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, and other Materials, out of any Waste or Com-

mon, River or Brook, of or in any Parish, Town, Village, or Hamlet, in or near which the said Roads, or some Part thereof, doth lie (except Stones from Quarries open and in working) proper and convenient for repairing the said Roads, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons through whose Land such Materials shall be carried, for the Damages done and occasioned thereby to the said Lands, and levelling and filling up, or fencing about, the Holes and Pits made by getting such Gravel, Stones, and other Materials, as the said Trustees, or any Seven or more of them, shall judge and deem fit and reasonable; and where there is not a Sufficiency of such Materials in any Common or Waste Grounds, Rivers, or Brooks, near adjoining, it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) where any such Materials are, or may be found, and from time to time carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary for the repairing and amending the said Highways or Roads, paying such Rate for such Materials to the Owner or Occupier of the Ground, from whence or through which the same shall be digged, gathered, and carried away, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owner or Occupier, and the said Trustees, touching the Damages aforesaid, the Justices of the Peace at their General Quarter Sessions, to be holden in and for the County or Riding where such Materials have been got and carried away, within their respective Jurisdictions, may and shall adjudge, assess, and finally determine the same.

without paying for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided also, and be it further enacted by the Authority aforesaid, That in case the Owner of the Soil, or Occupier of the Ground, where such Materials shall be digged or gathered, or any other Person or Persons, shall, at any Time, during the Continuance of this Act, take or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors to be appointed by virtue hereof, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Roads, or any Part thereof, or shall dig, gather, get, take, or carry

Penalty on Persons taking away Materials got for repairing the Road.

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, except the Owner or Occupier of such private Grounds, for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale; every Person and Persons so offending, and being thereof convicted by the Confession of the Party, or Oath or Affirmation of One credible Witness, before One, or more Justice or Justices of the Peace of the County of Derby, or Riding aforesaid, within their respective Jurisdictions, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied in Manner herein after mentioned.

Surveyors may remove Annoyances;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they shall, from time to time, appoint, to remove and prevent Annoyances, on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourse, Sinks, or Drains, running into the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Roads; and to cut down, lop or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers shall neglect to cut down and remove such Trees, Shrubs, or Bushes, or to remove such other Annoyances for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors; the Charge whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees, Shrubs, or Bushes, or by the Person or Persons occasioning, neglecting, or refusing to remove such Annoyances as aforesaid; and in case such Owner or Occupier, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor, such Charges as aforesaid, it shall and may be lawful to and

cleanse Ditches &c.

lop or top Bushes;

the Owners neglecting to remove the same, after Notice;

Surveyors to be reimbursed the Charges.

for such Surveyor as aforesaid, 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 Place, where such Owner or Occupier, or other Person, shall reside, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid, returning the Overplus (if any be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained and sold as aforesaid; and if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath or Affirmation, before One or more Justice or Justices of the Peace for the said County of Derby, or Riding aforesaid, within their respective Jurisdictions, who is and are hereby impowered to administer such Oath or Affirmation, shall, for every such Offence, forfeit and pay unto the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied in Manner herein after mentioned.

to be levied by Distress and Sale.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Seven or more of them, to make or cause to be made Cause-ways, and to cut and make Drains through any Grounds lying contiguous to the said Roads; and erect and keep in Repair, Arches of Bricks, Timber, or Stone, thereupon; and to divert and turn the said Roads, or any Part or Parts thereof, over any Part of the Moors or waste Grounds, contiguous and adjoining thereto, or through which the said Roads do now pass; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge necessary, for the better amending and keeping the said Roads in good Repair; and also to make or cause to be made, a Road or Way, through, over, and along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired (not being a House or other Building, Garden, Orchard, Yard, Park, or planted Walk, or Avenue to a House, Plantation or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old or adjacent, narrow, or ruinous Roads are repairing, and until the same shall be made convenient and safe for Passengers

Trustees may make Cause-ways,

and cut Drains, &c.

and make a temporary Road

Passengers and Carriages to travel and pass along; making such reasonable Satisfaction to the Owner or Occupier of such Ground, through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along which such occasional Roads shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, at their General Quarter Sessions of the Peace next holden for the County or Riding within the Jurisdiction whereof such temporary Roads shall be turned, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, shall lie, in case any Difference shall arise between the said Trustees, or any Seven or more of them, and such Owners and Occupiers respectively, concerning the same.

making Satisfaction to the Owners of the Ground.

Owners neglecting to remove Annoyances, &c. after Notice given them;

And be it enacted by the Authority aforesaid, That if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them, by virtue of this Act, to such Owners or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors, to set any Man or Men to work to scour, cleanse, and make the same; and by Warrant from any Five or more of the said Trustees, to levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Watercourse, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

Surveyors may set Men to cleanse the same;

and to levy the same by Distress and Sale.

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

Provided always, That in case the antient or former Way over any Moor or waste Ground, shall by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such old Road, unless the said old Road leads to some other Village, Town, or Place, than the new Road doth.

And

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

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Nine or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, that then the Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree with, the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any Ways sustain by such widening, turning, or altering any Part or Parts of such Roads, and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid and the Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Person or Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are seized or possessed of some Lands, Grounds, Tenements, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for widening, turning, or altering the same as aforesaid; and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by Reason of Infancy or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on behalf of any Infants, Femes-covert, or Cestuique Trusts; and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with, the said Trustees, or any Seven or more of them, for the Purchase of such Lands,

Bodies Politick, or Corporate, empowered to sell Lands, &c.

Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons refusing to treat, &c. for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in and added to the said Roads as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, shall by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of York or Derby respectively, where such Lands lie (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) what Damages such Owners, Occupier, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the taking of any such Lands, Grounds, Tenements, and Hereditaments, into the said Roads, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have by Reason or on Account thereof; and for that Purpose, 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 or require, to summon and call before them all and every Person or Persons whomsoever

The Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined on Oath.

soever who shall be thought necessary or proper to be examined as Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer;) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and to use all other lawful Ways and Means, as well for their own, as the said Jury's Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate and Collegiate, as well as all other Person and Persons whomsoever; and every such Owner, Occupier, and Proprietor, and all and every Person and Persons any Ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, into, or out of the same; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of York or Derby respectively, thereby commanding or requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place, as in such Warrant shall be appointed, who is hereby required thereupon to impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve

Verdict of the Jury to be binding and conclusive.

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

who

who shall be the Jury, for the Purpose aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Jury may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiff or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or being so sworn, and refusing, and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse to be examined, or to give Evidence touching the same; and from time to time to levy such Fine or Fines in such Manner as any Fine is by this Act directed to be levied and taken, so as that no such Fine shall exceed the Sum of Five Pounds upon any One Person, for One Offence; and all such Fines shall be employed for such Uses, and in such Manner, as the Tolls or Duties hereby granted are to be laid out and applied.

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

Fine not to exceed 5 l.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, and borrowed, for the Purposes of this Act, and be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto, and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any

Five

Five or more of them, their Surveyors, Workmen, and Agents, to take into and add to the said Roads, such said Grounds, Lands, or Tenements, and to do all and every such Act, Matter, and Thing with relation to the said Grounds, Lands, Tenements, and Hereditaments, so taken into, and added, or to be taken into and added, to the said Road, and to ditch and fence out the same, as the said Trustees, or any Five or more of them, shall think fit; and the said Grounds, Lands, Tenements, and Hereditaments, so taken, or to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as other Highways are by Law to be repaired; and after such Purchase shall be made as aforesaid, and such new Road compleated, the Lands or Grounds comprised in, or constituting the old or former Roads, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall be vested in, and shall and may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the Roads by this Act intended to be repaired; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County or Riding where such Lands or Grounds do lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

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

and esteemed as publick Highways.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

And forasmuch as the Monies to be collected by the Receipt of the Tolls or Duties granted and made payable by this Act, will not be sufficient for the speedy repairing of the said Roads; be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and are hereby impowered, from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the said Tolls and Duties, or any Part thereof, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment

Tolls may be assigned for Money borrowed.

thereof, with Interest for the same (the Costs and Charges of such Assignments to be borne and paid out of such Tolls and Duties) which said Money so borrowed, shall be applied and disposed of as the said Tolls or Duties are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Assignments to be made in a Book, to be seen at all Times without Fee.

And be it further enacted by the Authority aforesaid, That the Dates, Parties, and Contents of all and every Assignment or Assignments so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer for the time being of the Tolls that shall be so mortgaged as aforesaid; which said Book or Books shall and may be seen and perused at all seasonable Times by any Person or Persons whomsoever, without Fee or Reward.

20 Days Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of the Tolls to be collected, unless Notice be for that Purpose fixed in Writing, under the Hand of the Clerk to the said Trustees upon all the Turnpike-gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

Penalty on Persons unloading Goods, or taking off Horses, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, unload, or cause to be unloaded, any Grain, Lead Ore, or any Sort of Goods or Merchandizes, or take off any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Curricle, Chair, Hearse, Chaise-marine, or Litter, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls and Duties hereby imposed, or shall conceal or secrete any Goods, or any other Thing chargeable with any of the Tolls aforesaid, or shall put or leave in any House, or other Place, any Coach, Landau, Berlin, Chariot, Calash, Chaise, Curricle, Hearse, Chaise-marine, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending, shall forfeit and pay to the said Trustees hereby appointed as aforesaid, or to their Treasurer for the time being, the Sum of Twenty Shillings, which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

Commencement and Continuance of this Act.

And

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and incurred by Force and virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender and Offenders; by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Riding wherein the said Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant on the Information of One or more credible Witness or Witnesses, upon Oath or Affirmation aforesaid; and which Oath or Affirmation the said Justice or Justices is and are hereby impowered and required to administer; and the Penalties and Forfeitures, when recovered, shall go and be applied and laid out for and towards the amending the said Roads; and the Overplus thereof (if any) shall be, upon Demand, returned to the Party distrained, the reasonable Charges of such Distress and Sale, to be settled and allowed by the said Justice or Justices, being first deducted. Penalties and Forfeitures how to be recovered and applied. Money

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening and reducing the same, or advancing the said Tolls or Duties after any such Reduction, Thirty Days Notice of the Meeting for that Purpose being fixed by the Clerk on the Turnpike-gates erected by virtue of this Act; and to order and direct such Tolls and Duties so lessened and reduced or advanced, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as they shall think fit, so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby, and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein before contained to the contrary in any wise notwithstanding. Trustees, with Consent of the Creditors, may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted, shall take Place from and after the passing of this Act, and shall continue Commencement and Continuance of the Tolls.

continue and be paid for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, subject nevertheless to such Variation as aforesaid; but if at any Time before the Expiration of the said Term, the said Roads shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the said County of Derby and Riding aforesaid, within their several and respective Jurisdictions, at the General Quarter Sessions next after Easter, to be holden for the said respective County and Riding, that then, and from and immediately after such Adjudications respectively made, and Repayment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, with Interest for the same, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary thereof in any wise notwithstanding.

If the Road shall be sufficiently amended before the Expiration of the Term granted by this Act, and Debts paid, Tolls to cease.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on giving Notice in Writing to be fixed on all the Turnpike-gates which shall be then erected and set up, of their Intent to let such Tolls or Duties, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the Tolls and Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, from Year to Year, or for any Term of Years not exceeding Seven Years, for the best Price that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Nine or more of them, shall direct or appoint; which Monies so to be paid, shall be applied and disposed of as the Tolls and Duties granted by this Act are directed to be applied to and disposed of, and to no other Use or Purpose whatsoever.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to or for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be in the Commission of the Peace for the County of Derby or Riding aforesaid, to act as Justice or Justices of the Peace within their several Jurisdictions, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

And

And be it further enacted by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful for the said Trustees appointed and to be appointed, for the time being, or any Five or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by any Writing or Writings under their Hands and Seals, from time to time, and during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees, so dying, removed, or refusing to act, so many other fit and able Person or Persons, living in the said Counties of York and Derby, to be joined with the said Trustees so electing, in the Execution of the several Powers in them respectively reposed by virtue of this Act; Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, being given by the Clerk to the said Trustees, who is hereby required to fix or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates that shall be then erected by virtue of this Act, at least Ten Days before such Election; and all and every Person and Persons, so to be chosen a Trustee or Trustees, to join in putting this Act in Execution, shall and may, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees so electing, are by this Act impowered to do.

On Death or Removal of Trustees, others to be chosen.

Notice to be given of future Elections of Trustees.

And be it further enacted, That the several Meetings of the Trustees for the Purposes of this Act, shall be alternately held at Sheffield, in the said County of York, and at Castleton, Tidswell, or any other Place upon or near the said Roads, in the said County of Derby; and the said Trustees, or any Five or more of them, may adjourn themselves, from time to time, and meet 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 such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn to another Day, the Clerk to the said Trustees, shall by publick Notice in Writing, to be affixed on all the Toll-gates or Turnpikes upon the said Roads, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near the said Roads, on that Day Month from the Day on which such Meeting was appointed to have been held; and that the Trustees at their Meetings, shall defray their own Charges and Expences.

Trustees to meet at *Sheffield* and *Castleton Tidswell*, &c. alternately.

In Default of a sufficient Number to act, Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

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

Provided always, and be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of the Tolls or Duties by this Act granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of his accepting, and during the Enjoyment of such Place of Profit as aforesaid.

Qualification of Trustees.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of Lands, Tenements, and Hereditaments, of the yearly Value of fifty Pounds; or possessed of, or intitled unto a Personal Estate alone, or Real and Personal together, to the Amount or Value of One thousand Pounds: And if any Person or Persons so 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 or Persons, for such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoin or Protection, Wager of Law, or more than One Imparlance shall be allowed.

Penalty on Persons acting as Trustees, who are disqualified.

Roads to be measured, and Mile-stones erected.

Provided also, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be erected and set up in or near the Sides of such Roads, One Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall voluntarily or maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected and set up, as aforesaid; or any Stone or Post for protecting any Horse or Foot Causeway, or for any other Purpose whatsoever, by virtue of this Act; or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inserted 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 Roads, where the Carriage-way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on Oath or Affirmation of One or more

Penalty on defacing Mile-stones &c.

credible

credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County of Derby or Riding aforesaid, every such Person or Persons so offending, shall forfeit and pay the Sum of Forty Shillings; to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made, such Forfeitures to be applied in repairing the Stones or Posts so broken and 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 Roads; and in case the Person or Persons so offending and convicted, shall have no Goods and Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of the said County or Riding, for the Space of One Calendar Month, from the Date of such Commitment to be computed; and the Person or Persons so offending and committed, shall not be discharged, till he, she, or they, shall have paid the said Sum of Forty Shillings, or till the Expiration of the said One Month.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

Provided also, and be it further enacted by the Authority aforesaid, That no Assignment, Mortgage, Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees or Justices, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Writings to be without Stamps.

And it is hereby further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments shall be made by the said Trustees, or any Five or more of them, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly

Assignments may be transferred.

duly executed in the Presence of Two or more credible Witnesses, without any Stamp thereupon, assign or transfer his, her, or their Right, Title, and Interest in and to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment or Assignments, thenceforth to make void, release, and discharge the same, or any Monies due, or any Part thereof.

Entries to be made of all Assignments.

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents of all and every Assignment or Assignments, Lease and Leases made by the said Trustees, and of all Orders and Proceedings of the said Trustees, or any of them, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks; which said Book or Books shall and may be seen and perused at all reasonable Times by any Person or Persons whomsoever, without Fee or Reward; and such Orders so entered, and being signed by the Clerk to the said Trustees at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced and read in Evidence in all Cases of Suits or Actions touching any thing done in Pursuance and by the Authority of this Act.

Books may be perused *gratis*.

Books may be read in Evidence.

No Orders to be repealed, unless 9 Trustees be present.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, or their Successors, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless Nine Trustees shall be present at the Time of repealing such Order.

Conviction to be drawn up in the following Form.

And, for the more easy and speedy Conviction of Offenders against this Act; be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect;

BE

West Riding of the County of *York*, or County of *Derby*. } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the Riding or County aforesaid, or before us Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty first Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for repairing and widening the Roads from* Little Sheffield *in the County of* York *through the Towns of* Hathersage, Hope, *and* Castleton, *to* Sparrowpit Gate *in the County of* Derby; *and from the* Guide Post *near* Barber's Field Cupola *through* Grindleford Bridge, Great Hucklow, Tidswell, Hardgate Wall, *and* Fairfield, *to* Buxton *in the County of* Derby; of *(specifying the Offence, and Time and Place when and where the same was committed, as the Cause shall be)*

Form of Conviction.

Given under Hand and Seal or Hands and Seals, the Day and Year aforesaid.

Which said Form and Conviction, or any other Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or Order made touching any of the Matters aforesaid by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

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

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament, for surveying and amending Turnpike Roads, their Clerks, Treasurer, or other Officers, with Workmen and others, touching the Repairs of the said Roads, and whether as such Trustees, and those acting under them, sustain no special Damage, any Damages can be recovered against the Parties making Default in fulfilling such Contracts; for obviating the same, be it enacted by the Authority aforesaid; and it is hereby declared, That all Contracts in Writing entered into, pursuant to an Order at any Meeting made by the Trustees hereby

Contracts entered into by Order of the Trustees between any of their Officers and Workmen to be binding on each Party;

hereby appointed, or hereafter to be appointed, for putting the Powers of this Act in Execution, or any Five or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Roads 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, making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

and Actions may be brought for Damages and Costs, against the Party failing in Execution thereof.

Distress not to be deemed unlawful for Want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any 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 Satisfaction for the special Damage, in an Action upon the Case, provided that no Action or Suit shall be commenced against any Person or Persons, for any thing done or to be 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 Fact was committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead, at his Election, specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance, and by 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

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

Limitation of Actions.

Special Plea or General Issue.

limited for bringing the same as aforesaid, or shall be brought in any other County, Place, or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, 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 Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

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

FINIS.