Anno tricesimo tertio

Georgii II. Regis.

An Act for amending and widening the Road from *Bawtry* to *Sheffield*, and from *Sheffield* to the South Side of *Wortley*, in the County of *York*, where it joins the Turnpike Road leading from *Rotherham* to *Manchester*.

WHEREAS the Road leading from the West End of the Town of Bawtry, in the County of York, near to the old Chapel, adjoining or contiguous to the said Town of Bawtry, through the Lane towards Harworth, and over Tickhill Commons, and through Part of the Town of Tickhill, and Part of the Liberty of Stainton, Maultby Wood, and the Town of Maultby; and from thence by or near to Hellaby Hall, and over BramleyLings, or Common, to Wickersley; and through Cankley Wood, in the Parish of Whiston, and over Part of Preamble.

of Brinsworth Common, in the Parish of Rotherham, and through the Town of Tinsley to the Town of Sheffield; and from the Town of Sheffield to the South Side of Wortley, in the County of York, where it joins the Turnpike Road leading from Rotherham to Manchester, is in a ruinous Condition, narrow in many Places, and, not only in the Winter and rainy Seasons, become dangerous for Travellers, and impassable for Wheel Carriages, but also in the Summer Season very inconvenient for Wheel Carriages: And whereas the said Road cannot be repaired and widened by the present Methods prescribed by Law; May it therefore please your Majesty, that it may 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 William Lord Viscount Gallway, in the Kingdom of Ireland; Sir George Savile, Sir Lionel Pilkington, Sir Rowland Wynne, Sir William Wentworth, Sir George Armytage, Sir John Ramsden, Sir Henry Frankland, Baronets; Thomas Allen, Charles Allanson, Jonathan Acklom, Salmon Ashton, James Allott, Henry Athorpe, Esquires; Godfrey Bosville, Thomas Bright Clerk, Joseph Broadbent, William Burton, John Battie, William Battie, William Battie junior, Dennis Browne, Thomas Bolsover, William Binks junior, George Binks, Benjamin Binks, John Booth, John Battye, George Bamforth Burton, John Barker, Woodifield Beckwith, William Barnard, James Barker, Edward Bellamy, Robert Banks, John Billam, William Barber, Joseph Bright, George Booker, John Banks, Horsley Francis Banks, Robert Browne Clerk, John Bright, Joseph Clay, William Carliel, John Cockshutt, Thomas Cockshutt Clerk, Cranwell Coates, John Crompton, Henry Caister, John Coates, Benjamin Collier, John Christopher, Mordecai Cutts, Robert Copley, Godfrey Copley, Lionel Copley, George Donston, Henry Downes Clerk, Samuel Dawson, Robert Dent, Robert Dent junior, James De La Pryme, William Doughty, Gilbert Didsbury, Richard Didsbury, John Dawson, Robert Dawson, Nicholas Dealtry, Doctor Darwent, William Dawson Clerk, Vincent Eyre, Francis Edmunds, William Elmhurst, George Elliott, Anthony Eyre, John Ella Clerk, Henry Etherington, John Fell, John Fenton, William Fenton, William Fenton junior, Richard Fenton, William Fenney junior, Thomas Frankland, James Farrer, Savile Finch, Francis Fisher, John Foss, Obed Foljambe, Edward Fowler, William Green

Trustees Names.

M. D.

M. D. George Greaves junior, Joseph Gill, Thomas Goody, Joseph Gee, Francis Gill, Middlemoor Griffith Clerk, John Griffith Clerk, William Gamston, William Harrison, William Harrison junior, Joseph Harrison Clerk, John Hussey, William Hildreth, John Hurst, John Hirst of Ginhouse, Joseph Hall Clerk, William Hull, Selwood Hewet, Stanhope Harvey, John Harvey, John Hatfield, Thomas Hutton, John Hutton, Samuel Hallows Hamer, John Hopkinson, John Hirst of Fanfield, John Hornby, George Healey, George Hartshorn, James Hawkesworth, John Hewett, Thomas Hall senior, Thomas Hall junior, Anthony Hartshorn, Charles Ingram, Peter Johnson junior, Joseph Ibberson, Thomas Judson, Samuel Judson, John Jackson Clerk, James Kenyon, Joseph Kenyon, John Kenyon, Ralph Knight, William Kirk, John Kay, Adamson Kenyon Clerk, Henson Kirkby, Matthew Lambert, William Levinz, John Lister, John Laughton, Richard Lee, John Lawson Clerk, John Loyd Clerk, Jonathan Moore, Joseph Mitchell, William Mellish, Charles Mellish, George Mason, William Mirfin, William Marsden, Richard Moore, Robert Moorhouse, John Maddison, Richard Milner, Joseph Morley, Roger Morton, John Morley, Matthew Moor Clerk, Master Cutler of the Company of Cutlers in Hallamshire for the time being, John Mason, Robert Newton, John Nodder, Isaac Nodder, Thomas Newbould, John Nutt, Walter Oborne, Edward Oates, John Pilkington, Michael Pilkington, Harrison Pilkington, John Parker junior, Samuel Phipps Clerk, William Parker Poynton, Joseph Pursglove, John Parker of East Retford, Robert Pashley, Captain Ramsden, Benjamin Roebuck, Gilbert Roberts, Joseph Roberts, John Redfearne, John Redfearne junior, Thomas Rawson, Aymor Rich, John Rowley, William Rowley Clerk, John Rowley junior, Thomas Rowle, John Sybury Roebuck, Christopher Radley, Rudsdale, Robert Ramsden, Robert Raynes, Thomas Richardson Clerk, Thomas Robinson, John Richardson, Thomas Sharpe, Samuel Shore, Samuel Shore junior, John Stacye Clerk, Thomas Stacye, John Shirecliff, John Spencer, William Spencer, John Sparrow, William Staniforth, Edward Sharpe, Thomas Smith of Sheffield, Thomas Smith of Newton, Samuel Smith, Thomas Stead, George Shaw, John Smilter, Edward Shepherd, Thomas Scholey, Hugh Spooner, Joseph Smith, Henry Smith Doctor in Physick, John Sutton, Robert Sutton senior, Jonathan Staniforth, William Spencer, Thomas Smith, Robert Spencer, John Spencer, Henry Storrs, Francis Stones, Cordial Storrs, Charles Slater, Christopher Stephenson Clerk, Robert Sutton

ton junior, Lucas Spilsbury junior, Augustine Steedman, Calisthenes Thomas, Samuel Tooker, Ralph Tunnicliffe, Roe Tonge, Thomas Tagge, Richard Tradsall, Matthew Tomlinson Clerk, Hammond Turner Clerk, Thomas Toefield, John Tomlinson, John Turner, Robert Tomlinson, Morgan Vane junior, Edward Wortley, Edward Wortley junior, Francis Wood, Andrew Wilkinson, Richard Wilson junior, Charles Wilkinson, James Wilkinson Clerk, George Westby, George Walker, Thomas Waterhouse, Leonard Webster, John Webster Clerk, John Wilson, Joseph Wilson, Joseph Woodhead, John Wait, John Whitehead Clerk, Henry Wilkinson, William Wrightson, Joshua Wilson, Josiah Wordsworth, John White, Taylor White, John Woodyear, John Whitaker, Edward Wilson, John Whitehead, Hubbert Woodhouse, John Wilberfos, Jonathan Wilson, Matthew Wilson, Burdon Wells, Roger Watkinson, Gideon Wells, Patrick Westoby, Benjamin Wilson, John Whitehead, John Wheatley Clerk, Joshua Waddington Clerk, Thomas Younge M. D. John Trevers Younge, Robert Yeates, the Reverend Zacheus Ducket, Henry Revell, Bernard Attkinson, Freeman Flower Esquire, and Robert Ramsden, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, amending, widening, and keeping in Repair, the said Road, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds, above Reprizes, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, of the Value of Two thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds; And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance,

Imparlance, shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

No Person interested in the Navigation of the River *Dun* shall act as a Trustee relating to that Part of the Road which lies between *Sheffield* and *Tinsley Wharf*.

Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, in the Execution of this Act, with respect to the Road between Sheffield and the Wharf in or near Tinsley, or any Part thereof, who shall be directly or indirectly interested in the Profits arising from the Rates or Duties collected or to be collected for the Passage of Vessels or Goods upon any Part of the River Dun, between Holmstile in Doncaster and the utmost Extent of Tinsley Westward, or any Part of the said River between Wilfick House, in the Parish of Barnby Dun and Fishlake Ferry: And if any Person shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed: And every Person so prosecuted shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act, with respect to the said Road from Sheffield to the said Wharf, or any Part of the said Road, at the Time that he was so interested in the Profits arising by such Rates or Duties, or any Part thereof.

Qualification of Trustees.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the House of George Barker, known by the Sign of The Swan, in Tickhill, in the said County of York, on the Third Day of July, One thousand seven hundred and sixty, and proceed to the Execution of this Act, and shall then adjourn themselves; and shall afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as 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 such Meeting, a sufficient Number of Trustees to act, and to adjourn to any other Day, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice

tice in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees; except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Act valid, except done at a publick Meeting.

No Order made shall be repealed, unless Nine Trustees be present.

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

Trustees in Commission of the Peace may act as Justices.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing, under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee, in the Room and Place of such Trustee so dying, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing, at all the Turnpikes which shall be erected by virtue of this Act, and upon the Market Crosses of the Towns of Bawtry and Sheffield, at least Twenty Days before every such Meeting; and all Persons who shall be so chosen, shall be joined with such surviving or remaining Trustees, and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as the Trustees hereby appointed are authorized and impowered to act.

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

Notice of Election to be given.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they or any Seven or more of them shall direct or appoint, shall and may erect, or cause to be erected, such and so many Gates or Turnpikes in, upon, or across, such Parts, and in such Places, of the said Road, and also a Toll-house to each Gate or Turnpike, as the said Trustees, or any Seven or more of them, shall direct and appoint; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered: And that the Tolls following shall be demanded and taken at each of the said Turnpikes or Toll-gates, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

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

The Tolls.

For every Horse, Mr, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Carriage, laden with a Block or Blocks of Stone or Marble, or with Timber, or drawing any Mill-stone or Mill-stones, the Sum of Six Pence.

For every other Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by less than Five, the Sum of Four Pence for every Horse, Mr, or other Beast of Draught, so drawing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing Three Halfpence.

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as, a Toll; and the Money, so to be raised and collected, shall be,

Tolls vested in the Trustees.

and is hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, in such Manner as is herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage, upon which any such Tolls are by this Act imposed, or any of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horses, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus, if any shall be, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

Proviso.

Provided always, and be it further enacted, That no Turnpike shall be erected, or Tolls taken, by virtue of this Act, between the Wharf in or near Tinsley and the Town of Sheffield.

Trustees may erect Sidegates,

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 cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Road, and upon, in, or across, any Lane or Way leading out of the same, and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, at any Gate or Turnpike to be erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat,

so as the same extend not to a Double Charge.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of the several Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also of all Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name

of their Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them the said Trustees in the Possession thereof.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the Tolls or Monies to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred and in relation to the obtaining this Act, and in making such annual Payment as is herein after mentioned, and shall apply the Remainder of the Money so raised in erecting Turnpikes and Toll-houses, and repairing, widening, altering, turning, and keeping in Repair, the said Road, and of executing the Purposes of this Act, and to no other Use whatsoever.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, from time to time, assembled at a Meeting or Meetings to be held for that Purpose, and they are hereby impowered, from time to time, with the Consent of such Person or Persons as shall be intitled to Two Thirds or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before-mentioned, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the said Turnpikes, as they shall think proper; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act.

and raise them again,

No more than Two full Tolls to be paid for passing, &c. thro' all or any of the Turnpikes the same Day;

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay more than Two full Tolls for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night, to Twelve

of

of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross and on the Sides of, and cross any Lane or Way leading into, the Road between Bawtry and the present Wharf in or near Tinsley, at the Termination of the Navigation of the River Dun; nor shall pay Toll more than Once in any One Day, to be computed as aforesaid, for passing or repassing through any One of such Turnpikes; nor shall any Person or Persons pay more than One full Toll in any One Day, to be computed as aforesaid, for passing or repassing through all or any of the Turnpikes to be erected by virtue of this Act cross and on the Sides of, and cross any Lane or Way leading into, the Road between the said Town of Sheffield and the South Side of Wortley aforesaid; but all and every such Person or Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll-free, during such Day, upon the respective Parts of the said Road, whereon, or in relation whereto, such Payment or Payments respectively was or were made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

nor more than One Toll for passing, &c. thro' any One Turnpike.

Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year, at any One Time, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the Road hereby directed to be repaired doth lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be paid half-yearly in Advance; and, in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall, from thenceforth, be void, and all such Composition-monies shall be applied in such Manner as the Tolls are directed to be applied.

Proviso.

Provided nevertheless, That this Act shall not authorize the making any Composition for, or in respect of, any Horses, Cattle, Beasts, or Carriages, travelling for Hire.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, on giving Notice in Writing,

ing, to be fixed on all the Turnpike Gates which shall be then erected and set up, of their Intent to let such Tolls, at least Ten Days before their Meeting for such Purpose, and from time to time, by Writing under their Hands and Seals, to demise and lease the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Five Years, for the best Price or yearly Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; which Monies, so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied to and disposed of, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, 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) any Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships in which the Road hereby directed to be repaired, or any Part thereof, doth lie; nor for any Carriage laden with, or empty and going for, or returning empty, having been laden with (on the same Day) any 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 from any Person or Persons residing in any of the said several Townships in which the said Road, or any Part thereof, respectively lies, who shall pass through any of the said Turnpikes or Cross-gates to or from their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship, they usually resort to on Sundays, or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; nor for any Horse or Cattle going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; nor 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; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning

Trustees may compound with Parishes &c.

ing from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of York, on the Day or Days of such Election: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims.

No Toll to be taken for crossing the Road.

Provided always, That no Toll shall be taken with respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Road hereby intended to be amended, or any Part thereof.

Grinding-stones not to pay Toll, if only used in *Hallamshire*.

Provided also, and it is hereby further enacted, That no Toll shall be taken, at any of the said Toll-gates or Turnpikes, for any Waggon, or other Carriage, with Wheels of the Breadth of Nine Inches, passing through the same, loaded only with Grinding-stones for the Manufacture of Cutlery Ware in Hallamshire, for the Use of the Manufacturers only therein, between the First Day of May and the Twenty ninth Day of September in any Year, during the Continuance of this Act.

Penalty on Persons going thro' or permitting private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, whatsoever, pass through any Land, Ground, or Hereditament, adjoining to or lying near any Turnpike to be by virtue of this Act erected, the same not being a Common Road; or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, whereby the Payment of any or any Part of the said Tolls shall be evaded; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings. One Moiety whereof shall be paid to the Informer or Informers, and the other

or giving or receiving Tickets,

or taking off Horses, to avoid Payment of the Tolls,

Money shall be applied towards the amending the said Road.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the said Tolls, in such Manner as they shall think proper, to borrow and take up at Interest, any such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and they, or any Seven or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes at least Twenty one Days before the borrowing of such Money; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and all the Monies, both Principal and Interest, that shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

all

all seasonable Times, be perused and inspected without any Fee or Reward: And after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect to the Priority of advancing such Sum or Sums; but that all Persons, to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, in equal Degree one with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove, and to appoint others in the Room of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for that Purpose being fixed on the Turnpikes erected by virtue of this Act at least Ten Days before such Appointment; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances for their Attendance, Care, and Service in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, from time to time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Accounts in Writing, under their respective Hands, upon Oath (which Oath such Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same: And if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to produce or deliver up the Vouchers relating to the same, or to verify the Articles thereof, upon Oath, or shall refuse or neglect to pay the Money due on such Account, in Manner as aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, in each, any, or either of the said Cases, it shall and may be lawful for any Two or more of the Justices of the Peace for the West Riding of the County of York, or for the County of Nottingham, where any Part of the Road in respect of which the said Refusal or Default to be made doth lie; and such Justices, upon Complaint thereof being made to them, are hereby required to make Inquiry concerning such Refusal or Default, as well by the Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices, or One of them, are and is hereby impowered and required to administer without Fee or Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justices shall commit every such Offender to the common Gaol or House of Correction of the County, Riding, Division, or Place, where any Part of the Road, in respect of which the said Refusal or Default made, doth lie, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more

Officers refusing to account,

Justices to enquire into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

No Victualler, &c. shall hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail; nor shall any Collector, Surveyor, or other Officer under this Act, gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

Officers not to gain any Settlement.

Trustees may appoint Officers, tho' not at a publick Meeting.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Seven or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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 for the said Surveyor or Surveyors by this Act to be appointed, or for any other Person or Persons, by them, or either of them, or by the said Trustees, or any Five or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Limestone, Sand, Flints, or other Materials, proper for repairing of Roads, in, upon, out of, or from, any Waste or Common Ground, or from any River or Brook, except within Thirty Yards Distance of any Mill Dam, or Weir, in any Parish, Town, or Place, in, adjoining

to,

to, or lying near, the Road aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same, they the said Trustees or Surveyors, or some of them, causing the Pits to be filled up, and the Ground to be levelled, from which such Materials shall be taken: And if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste or Common Ground, River, or Brook, then, and in such Case, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from or over, the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Road, such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees, or planted with Trees, for the Ornament of any House, they the said Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Five or more of them, under their Hands and Seals, for so doing, and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable, they the said Trustees or Surveyors, or some of them, causing the Pits to be filled up, and the Ground to be levelled, from which such Materials shall be so taken: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County, Riding, Division, or Place where any of the said Materials shall be taken and carried away, shall and may, on Ten Days Notice thereof, to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor

without paying for the same;

levelling the Pits.

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

making Satisfaction to the Owners of the Grounds.

Justices may determine Differences.

Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

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

Provided always, and be it further enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Wastes, Lands, Fields, Grounds, River or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Fourteen Days (except the Owner or Occupier of any private Ground for his private Use, and Persons authorized by such Owner or Occupier to get Materials therein for his proper Use only, and not for Sale) every Person so offending, shall forfeit, for every such Offence, the Sum of Forty Shillings.

Surveyors may make Causeways,

and erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order, from and under the Hands and Seals of the said Trustees, or any Five or more of them, for such Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part or Parts of the said Road; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Road, or any Part thereof; and shall and may dig, or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem meet.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said Trustees, or any Five or more of them, from time to time to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Road aforesaid; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop, or top, such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid: And in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of Two or more Justices of the Peace for the County, Riding, Division, or Place, wherein the Matter in Dispute shall arise, from time to time to levy the Charge thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid: and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the County, Riding, Division, or Place, wherein the Matter in Dispute shall arise, shall for every such Offence forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Surveyors may remove Annoyances,

and cut down Trees, &c.

Owners neglecting to do the same after 10 Days Notice;

the Charges to be reimbursed to the Surveyors;

Surveyors may make Distress;

to be levied by Distress and Sale.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into, or out of, the said Road, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done,

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

within the Space of Fourteen Days after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors; then, and in either of the said Cases, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same; and if the said Person and Persons shall not repay the said Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County, Riding, Division, or Place, where such Person or Persons respectively shall live, shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may set Men to do the same,

and levy the Charge by Distress and Sale.

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 or may be appointed by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road; and to erect, and keep in Repair, Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Moors or Waste Grounds contiguous and adjoining thereto, or through which the said Road doth 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 Five or more of them, shall adjudge necessary, for the better amending and keeping the said Road in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along,

Surveyors may make Causeways,

erect Bridges, &c.

and make a temporary Road;

along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said Road 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, adjacent, narrow, or ruinous Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass along; making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Drains, 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, Division, or Riding, within the Jurisdiction whereof the 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 and such Owners and Occupiers respectively concerning the same.

making Satisfaction to the Owners of the Ground.

Provided always, That in case the ancient 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 or former Road, which shall hereby be left or discontinued, shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate.

Where a new Road shall be made, Inhabitants not liable to Repair of former Road, except, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause or attempt to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them or either of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, taking, or carrying of any Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, for the altering, widening, or repairing, the said Road, or any Part or Parts thereof, or in topping, lopping, cutting down, or removing, any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring, any Ditch, Drain,

Penalty on interrupting Officer in the Execution of his Duty.

or Watercourse, or in doing any other Act, in or for the repairing, widening, or altering, the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Trustees may contract for the Purchase of Lands to be taken 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, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road, through or over any Moor or Waste Ground, without making any Satisfaction for the same; and also through any Private Grounds or Hereditaments, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall be lawful for the said Trustees, or any Seven or more of them, to treat, contract, and agree, with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested, or any of them, shall or may anyways sustain by such widening, turning, or altering, any Part of such Road: And it shall be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and

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

all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of in pursuance of this Act: And if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Road, or into which such Road is to be turned or altered, as aforesaid, shall by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five 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 County in which such Lands or Grounds, so to be taken in, do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same: And, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine, upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said

Where Persons shall refuse, or neglect to treat,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of such 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 and Persons whomsoever, claiming in Possession, or in Intail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve:

Verdict of the Jury to be binding and conclusive.

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

Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the 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, and shall not appear, or that shall refuse to be sworn on the said Jury, and being so sworn, and refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be examined, and give Evidence; and, from time to time, to levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied and applied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff, or his Deputy, nor be more than the Sum of Forty Shillings upon any other Person, for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for, or assessed, as aforesaid, shall be paid out of the said Tolls, or out of the Monies to be borrowed on the Credit thereof, to the Parties or Persons respectively intitled thereto, or to their Agents; and, upon Payment thereof, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Parties or Persons; and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into, and made Part of, the said Road, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a common Highway, and be, from thenceforth, Part of the said Road for ever after; and shall be repaired, and kept in Repair, in such Manner as the Road hereby appointed to be repaired and widened is by

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

Lands when purchased to be made Part of the Roads,

and kept in Repair as such.

this

this or any other Law to be repealed; and from thence-forth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the said Road; and the Sale, or Conveyance or 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 where such Lands or Grounds do lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation or Nursery of Trees; any thing herein contained to the contrary notwithstanding.

Old Road to be sold.

Buildings not to be injured, &c.

Provided always, That the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of, or intitled to, in the former Road, in lieu whereof such new Road shall be made; any thing herein contained to the contrary notwithstanding.

Reservation of Rights.

Provided also, That no Person shall act as a Trustee in any Case, relating to the contracting for, or purchasing of, any Lands, Grounds, or Hereditaments, wherein he shall be concerned or interested.

Trustees not to act where interested.

And it is hereby also enacted and declared, That all Persons who are chargeable towards repairing the said Road, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as before the passing of this Act they were liable and chargeable, except so far forth as is in and by this Act otherwise directed.

Persons chargeable to the Repairs of the Roads to continue so.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways for the respective Townships and Places, in which any Part of the said Road doth lie, or in case no Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships and Places, shall yearly and every Year, within Ten Days after De-

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

mand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person, who, within such respective Townships and Places, are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise; and also the Number of Days Work which each Person ought to do on the Road in such Townships and Places respectively; Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, and in such Manner, and on such Parts of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from time to time direct or appoint; and shall also set forth and specify in every such List, what each Person is respectively chargeable with for and towards the same; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships or Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid, he would have to do such their respective Statute-work upon any Part or Parts of the said Road, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person keeping a Team or Teams, Draught or Draughts, Cart or Carts, as aforesaid, who shall, after such publick Notice, neglect or refuse to send his or her respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught, as he or she respectively employ, with One Person to attend the same, to perform such their respective Days Work on the said Road, in such Manner as the said Turnpike Surveyor shall direct, shall respectively forfeit the Sum of Ten Shillings for every Day wherein any such Team, Draught, or Cart, shall make such Default as aforesaid: And every Labourer, or other Person so chargeable, who shall neglect or refuse, after such publick Notice, to perform the said appointed Days Work on

Penalty on Surveyors not delivering in such Lists.

Penalty on Persons not performing their Statute-work.

the said Road, shall respectively forfeit the Sum of One Shilling and Six Pence for every Day such Labourer, or other Person, shall make Default: And every Person who shall, according to such public Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team, Draught, or Cart, had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road, shall not be liable to do any other Statute-work thereon.

Labourers found idle to be turned off.

Trustees may compound with Parishes, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree for any Term not exceeding One Year, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon; and also it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships or Places, or such Churchwardens or Overseers of the Poor respectively, as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships or Places first had, at any Vestry, or other publick Meeting of such Inhabitants, to compound and agree for any Term not exceeding One Year, with the Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

Surveyors paying the Composition-money, how to be reimbursed.

And

And whereas by an Act made in the Twelfth Year of the Reign of His late Majesty King George, intituled, An Act for making the River *Dun*, in the West Riding of the County of *York*, navigable, from *Holmfirth*, in *Doncaster*, up to the utmost Extent of *Tinsley* Westward, a Township within Two Miles of *Sheffield*; and also by an Act made in the Thirteenth Year of His present Majesty's Reign, intituled, An Act for the more effectual improving the Navigation of the River *Dun*, from a Place called *Wilfickhouse*, in the Parish of *Bramby Dun*, in the County of *York*, to *Fishlock Ferry*, in the same County; the Undertakers of the said Navigations were made subject and liable to make, uphold, and repair the said Road from Tinsley to Sheffield; be it therefore further enacted and declared by the Authority aforesaid, That this Act, or any Thing herein contained, shall not alter, repeal, or vary, any Part of the said Acts; but that the said Acts, and every Part thereof, shall be and continue in full Force and Effect, to all Intents and Purposes whatsoever, in such and the like Manner as the same would have been in Force and Effect, in case this Act had not been made.

Act 12 Geo. I.

and 13 Geo. II.

Recited Acts to remain unaltered.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered and required to cause the said Road to be measured, and Mile-stones or Posts to be set up, on the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down, 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 Trustees, or any Five or more of them, or of the Justice or Justices of the Peace for the County, Riding, Division, or Place, where the Offence shall be committed, before whom

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

whom such Conviction shall be made; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, 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 Road aforesaid: And in case the said Penalty shall not be forthwith paid upon Conviction, then it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Gaol or House of Correction for the County, Riding, Division, or Place, wherein such Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months; and the Person or Persons shall not be discharged till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Time, not exceeding Two Calendar Months.

For want of Distress, the Offender to be committed.

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, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel-carriages, to drag upon any Part of such Road, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, by this Act inflicted, or authorized to be imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace of the County, Riding, Division, or Place, wherein the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of One Witness, be levied by Distress and Sale of the Goods and Chatties of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes) and to administer such Oath gratis; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are

recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattles; and all such Penalties, Forfeitures, and Fines (if not otherwise directed to be applied by this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in putting this Act in Execution: And in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol or House of Correction for the County, Riding, Division, or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace for the County, Riding, Division, or Place, where the Matter or Thing shall be done, for or by reason of which such Complaint shall have arisen; such Appellant first giving or causing to be given Six entire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and, within Four Days after such Notice, entering into a Recognizance, before some Justice of the Peace for the respective County, Riding, or Division, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices, at their said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall proceed in, and hear and finally determine the Causes and Matters of such Appeals in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination

6 Days Notice of Appeal to be given.

Security to be given to prosecute.

termination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

Trustees may contract for repairing the Roads,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered to contract with any Person or Persons, for repairing, widening, or altering, the said Road, or any Part thereof, and for erecting and erecting Mile-stones or Posts thereon, in such Manner and for such Sum or Sums of Money, as the said Trustees, or any Seven or more of them, shall think proper.

Mile-stones.

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

And be it further enacted by the Authority aforesaid, That all Contracts in Writing entered into, pursuant to an Order made at any Meeting by the said Trustees, or any Seven or more of them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum or Sums of Money stipulated to be paid to such Contractor or Contractors, shall be the Measure of the Damages to be recovered against such Contractor making Default in fulfilling his Contract; any Law or Usage to the contrary notwithstanding.

Distress not to be deemed unlawful for want of Form; and Parties not to be deemed Trespassers;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding 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, may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

Proceedings to be entered in a Book,

and signed by the Clerk.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, in the Execution of the Powers hereby to them given, shall, from time to time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks to the said Trustees, at a Meeting of Five or more of the Trustees assembled, as the Case shall require; and such Orders shall be taken

and deemed to be Original Orders; Which said Book of Books, and also the Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence, in all Courts whatsoever. Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And whereas the Right Honourable Richard Earl of Scarborough, as Lessee of the Crown, is intitled to receive and take several Tolls or Payments for certain Carriages, Horses, Cattle, Beasts, Sheep, and Swine, passing or repassing through the Toll-bar erected in the said Township of Tickhill, and which said Toll is let for the yearly Sum of Five Pounds: And whereas it is necessary that the said Toll-bar should be taken down, and such Tolls or Payments discontinued during the Term granted by this Act; and that a proper Compensation should be made for the said Tolls; be it therefore further enacted by the Authority aforesaid, That the said Toll-bar shall be removed and taken away on or before the Twenty ninth Day of September, One thousand seven hundred and sixty; and that from the said Twenty ninth Day of September, One thousand seven hundred and sixty, all Right and Claim of the said Earl of Scarborough, as Lessee of the Crown, to all Tolls, Duties, and Payments, for and in respect of the Passage of any Carriages, Horses, Cattle, Beasts, Sheep, and Swine, in or through any Part of the said Township of Tickhill, shall cease during the Continuance of this Act, and, in lieu thereof, the annual Sum of Five Pounds, freed and discharged from all Cares, Defalcations, and Deductions whatsoever, shall be, and is hereby charged upon, and shall be payable on the Twenty ninth Day of September in every Year during the Continuance of this Act, in the First Place, and previous to all other Payments (except of the Expences of obtaining this Act) out of the Tolls to be collected by virtue hereof, to the said Richard Earl of Scarborough, or his Assigns, during the Term of his said Lease, and after the Expiration thereof, to his Majesty, his Heirs, and Successors, his or their Lessee or Lessees, or the Assigns of such Lessee or Lessees; The Toll-bar in *Tickhill* to be taken down, and the Tolls taken thereat to cease; and in lieu thereof 5*l. per Annum* to be paid to the E. of *Scarborough* during his Lease; and the like Sum to the future Lessees of the Crown.

Lessees; the first of which annual Payments shall be made on the Twenty ninth Day of September, One thousand seven hundred and sixty one; and if any such annual Payment shall not be made on the said Twenty ninth Day of September, in any One or more Year or Years, or within Twenty Days next after Demand thereof made upon any Five or more of the said Trustees, or their Treasurer, it shall be lawful for the said Earl of Scarborough, or his Assigns, during the Term of the said Lease, and afterwards for the Receiver or Lessee or Lessees of His Majesty, His Heirs, or Successors, or the Assigns of such Lessee or Lessees, from time to time, as such Default shall be made, to enter upon, take, and keep Possession of any Turnpike or Turnpikes, and Toll-house or Toll-houses, which shall be erected by virtue of this Act, and to demand, take, and receive such Tolls as are by this Act granted, until such annual Payment or Payments in Arrear, and all Expences occasioned by such Entry, and the Perception of the said Tolls, are, from time to time, fully discharged and satisfied.

Relief on Non-payment of the said annual Sum.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence, and have Continuance, from the First Day of July, One thousand seven hundred and sixty, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Conviction to be in the following Form.

And, for the more easy 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:

County of } 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 County aforesaid, or before us of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Thirty third Year of the Reign of His Majesty King *George* the Second, *For amending the Road from* Bawtry *to the South Side of* Wortley, *in the County of* York

York (*specifying the Offence, and when and where committed*).

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

Which said Form of Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, or any Order made, or other Matter or Thing to be done or transacted, touching any Matter in or relating to the Execution 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 quash'd for want of Form only; nor removable by *Certiorari*.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere: And the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty one 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 or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall recover Treble Costs, and Limitation of Actions. General Issue. Treble Costs.

and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.