ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road leading from *Peniſtone Bridge*, in the County of *York*, to *Grindleford Bridge*, in the County of *Derby*; and the Roads ſeverally leading from *Bamford Woodgate*, over *Yorkſhire Bridge*, to the Guide-poſt on *Thornhill Moor*, to or near the Eighth Mile-ſtone on *Hatherſage Moor*, and to the Village of *Darwent*, in the ſaid County of *Derby*.

WHEREAS the Road leading from Peniſtone Bridge, in the Weſt Riding of the County of York, through the Village of Bamford, in the County of Derby, to join the Turnpike Road leading from Hope to Sheffield, near Mytham Bridge; and alſo the Road from the ſaid Turnpike Road in the Village of Hatherſage to Grindleford Bridge; and alſo the Road from Bamford Woodgate, over Yorkſhire Bridge, to join the Turnpike Road aforeſaid, at the Guide-poſt upon Thornhill Moor, in the Pariſh of Hope, in the County of Derby; and alſo the Preamble.

Road branching out of the Road at Bamford Woodgate, to join the Turnpike Road from Hope to Sheffield, near the Eighth Mile-ſtone on Hatherſage Moor; and alſo the Road from the ſaid Bamford Woodgate to the Village of Darwent, in the ſaid County of Derby, are in a ruinous Condition, in ſome Parts narrow and incommodious, and cannot be effectually repaired by the ordinary Courſe of Law: May it therefore pleaſe your Majeſty that it 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 Thomas Aſhwood, John Archer, Jonathan Allwood, Thomas Aſkham, Sir Henry Bridgeman Baronet, Henry Balguy, Hans Buſk, Richard Bagſhaw, William Bagſhaw, John Bagſhaw, Alexander Barker, John Barker, Godfrey Boſville, the Reverend Bond Vicar of Hope, the Reverend Robert Barker, the Reverend John Bullock, William Bullock M. D. Balguy, Thomas Birds, Richard Barker, William Boſley, Thomas Bourne, Bower, John Baker, Edmond Baker, Michael Buxton, Hugh Bradwell, Thomas Bagſhaw, William Bagſhaw, Cornelius Bruſhfield, George Boame, Edward Burton, William Bower, James Booth, Thomas Barker, John Barker, Alexander Barker, William Boſville, Joſeph Bagſhaw, the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh, the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Right Honourable Richard Cavendiſh, commonly called Lord Richard Cavendiſh; the Right Honourable George Cavendiſh the younger, commonly called Lord George Cavendiſh; Godfrey Clark, Godfrey Bagnal Clark, Edward Cheny, Joſeph Clay, William Carliſle, the Reverend John Carven, the Reverend Chapman Vicar of Bakewell, John Creſwell of Litton, Francis Cotes, John Creſwell of Aſhford, James Carrington, Nicholas Creſwell, William Carliſle, John Cockſhut ſenior, John Cockſhut junior, Thomas Creſwell of Eadale, William Carrington of Eadale, Sir John Danvers Baronet, Robert Dale, Edward Downs, Doctor Joſeph Denman, Jeremiah Dixon, Rowland Eyre, Richard Ellis, John Eyre of Crookhill, Thomas Eyre of Houlden, George Evans, Elmhurſt, George Eyre, Benjamin Eyre of Thurlſton, Vincent Eyre of Thurlſton, William Fitzherbert, William Fenton, Richard Fenton, William Fenton junior, the Reverend John Farrer,

Truſtees Names.

Farrer, John Forrar, Thomas Fanſhaw ſenior, Thomas Fanſhaw junior, John Frith of Bagſhaw, Samuel Frith, Thomas Finney, Peirce Galliard, Thomas Greenſmith, Philip Gell, William Green Doctor in Phyſick, Edward Greaves, Charles Greaves, Chriſtopher Greaves, John Girdom, Robert Grundy, Joſeph Gould, James Groves, Thomas Garrat, Thomas Gregory, Thomas Green, William Green, William Greaves, William Gaunt, Sir Henry Harpur Baronet, Robert Banks Hodkinſon, Godfrey Heathcote, Francis Hunt, Howard, the Reverend Charles Hadfield, the Reverend Joſeph Hall, the Reverend Moſes Hudſon, the Reverend Charles Hope, George Hamby, John Harris ſenior, John Harris junior, Jonathan Hatfield of Bull-houſe, John Hadfield of Shatton, John Hatfield junior of Bull-houſe, John Hatfield of Fuller Style, Mica Hall, John Heald, John Haigh, Francis Haigh, Henry Ibotſon ſenior, Henry Ibotſon junior, Joſeph Ives, Ralph Keeling, William Keeling, Robert Lownes, William Longſdon, Thomas Longſdon, James Longſdon, William Lockwood, the Right Honourable Lord Melbourne in the Kingdom of Ireland, William Milnes, George Morewood, William Murfin, Hans Wintrop Mortimer, Richard Milnes Doctor in Phyſick, James Mower, John Mower, Thomas Mower, John Mander, Matthewman, Eamor Milnes, Peter Nightingale, Robert Newton, John Nodder, Richard Nendale, Robert Needham ſenior, Robert Needham junior, Samuel Needham, Richard Nall, Jonathan Oxley, Strelly Pegg, John Parker ſenior, John Parker junior, William Prince, John Perkin, the Reverend Samuel Phipps, Benjamin Preiſt, John Perkins, John Renſhaw, Samuel Roe, Francis Roe, Richard Roe, Joſeph Roebottom, John Spencer Thomas Stead, the Reverend John Simpſon, the Reverend Thomas Seeward Rector of Eyam, William Smith, Philip Sheldon, Adam Slater, Peter Steel, George Shaw, Joſeph Smedley, William Shimwell, John Sanderſon, Thomas Sunderland, Thomas Slater, Richard Slater, John Twigg, Bach Thornhill, John Twigg, William Thomaſſon, Sir Thomas Wentworth Baronet, Sir William Wake Baronet, John Willſon, John Wright ſenior, John Wright junior, John Wall ſenior, John Wall junior, George Walker, Joſias Wordſworth, the Reverend Peter Walthall, the Reverend Wray Rector of Darley, the Reverend Robert Waterhouſe, the Reverend Wood, John Wainwright, Humphry Wincheſter, Richard Webſter, John Wooley, Allwood Wilkinſon, Robert Wright, Fairwell Wright, Francis White, Samuel White, William Walton, James Walton, Anthony Worrall, John Woodhead, Joſeph Worrall, John Wilſon

junior of Broomhead, Jonathan West, William Walker, James Walton of Thurlston, Thomas Wainwright, John Willson of Barnesley, Elias Wordsworth, Thomas Ward, and their Successors, to be elected in Manner herein after mentioned, shall be, and are hereby appointed Trustees for putting in Execution all the Powers in and by this Act given and granted.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of William Middleton, known by the Sign of The George, in Hathersage, in the County of Derby aforesaid, on the Monday Fortnight next after the passing of this Act, and shall proceed to the Execution of this Act, and shall then, and from Time to Time afterwards, adjourn themselves to meet at such Place or Places near the said Roads, as they the said Trustees, or any Five or more of them, shall, from Time to Time, think most convenient for putting this Act in Execution; and if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from Time to Time, as often as it shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act at least Six Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held on that Fortnight 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 authorised 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 and concur therein; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are in the Commission of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees to defray their own Expences.

Trustees not to hold any Place of Profit.

Trustees in Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time, to elect One other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing shall be given of the Time and Place of Meeting for every such Election, and be fixed upon all the Turnpikes erected by virtue of this Act, at least Fifteen Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with. On Death of Trustees others to be chosen.

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 the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or possessed of, or intitled unto a personal Estate of the Value of Eight hundred Pounds, or shall be Heir-apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One 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 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 prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act. Qualification of Trustees. Penalty on acting if not qualified.

And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect One or more Turnpike or Turnpikes, in, upon, or across any Part or Parts of the Road, between the House of Shewabell, known by the Sign of The Rose and Crown, in the Town of Penistone, in the County of York, and Moscar, in the said County of Derby; and may also erect, or cause to be Trustees may erect Turnpikes and Toll houses, &c.

be erected, a Turnpike, in, upon, and acrofs the Road, at the South End of a Wood called Fallcliff Wood, in the faid County of Derby; and One other Turnpike acrofs the Roads at or near the Weft End of a Bridge in the faid County of Derby called Yorkfhire Bridge; and One other Turnpike in a certain Lane in the faid County of Derby, called Bamford Wood Lane; and alfo a Toll-houfe at each Turnpike which fhall be fo erected, with fuitable Out-buildings and Garden-fpots on the Side of the faid Roads, near or adjoining to fuch Toll-houfes; and fhall and may pull down and remove all fuch Turnpikes and Toll-houfes as fhall be erected between the faid Town of Penifton and Mofcar aforefaid, as they the faid Truftees, or any Five or more of them, fhall, from Time to Time, think proper: And the Tolls following fhall be demanded and taken by fuch Perfon or Perfons as the faid Truftees, or any Five or more of them, fhall, from Time to Time, appoint to receive the fame, at each of the faid Turnpikes which fhall or may be erected and fet up as aforefaid, by virtue of this Act, before any Horfe, Cattle, Beaft, or Carriage, fhall be permitted to pafs through the fame; that is to fay,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaife, Calafh, Chaife Marine, or Hearfe, drawn by Six Horfes or other Beafts, the Sum of One Shilling and Sixpence; and drawn by Four Horfes or other Beafts, the Sum of One Shilling; and drawn by Two Horfes or other Beafts, the Sum of Sixpence; and for every Chaife or Chair, drawn by One Horfe or other Beaft, the Sum of Three-pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Six or more Horfes or other Beafts, the Sum of One Shilling and Sixpence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four Horfes or other Beafts, the Sum of One Shilling; and drawn by Three Horfes or other Beafts, the Sum of Nine-pence; and drawn by Two Horfes or other Beafts, the Sum of Sixpence; and drawn by One Horfe or other Beaft, the Sum of Three-pence.

For every Horfe or other Beaft laden or unladen and not drawing, the Sum of One Penny.

For every Pair of Mill-ftones or Block of Stone or Timber, drawn by Five or more Horfes or Beafts, the Sum of Two Shillings and Sixpence.

For

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 respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls to seize and distrain any Horse or Cattle, Beast, or any Goods or Chattels upon which any Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons so neglecting or refusing 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 after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattels so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is hereinafter mentioned.

Tolls may be levied by Distress;

and vested in the Trustees.

Provided always, and be it further enacted and declared, That no more than One half of the Tolls or Duties herein before granted shall be demanded or taken at any Turnpike which shall or may be erected within One Mile of the South Side of the Town of Penistone for any Horses or Cattle laden with Woollen Cloth, or with any Materials to be used in the Woollen Manufacture, which shall be going to or returning from Penistone Cloth Market; any Thing in this Act to the Contrary hereof notwithstanding.

No more than One Half of the Tolls shall be taken at any Gate erected within One Mile of the South Side of *Penistone*.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got by collected for repairing the said Roads, 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

Turnpikes, &c. vested in the Trustees.

be brought any Action or Actions in the Name or Names of any One or more of them, or 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 in the Possession thereof.

Tolls to be paid but once a Day between *Penistone Bridge* and *Moscar*,

Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Tolls hereby granted more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Cattle, Beast, or Carriage, through all or any Turnpike or Turnpikes which shall be erected upon any Part of the said Roads, or on the Side or Sides thereof, between Penistone Bridge in the said County of York, and Moscar in the said County of Derby, such Person or Persons producing a Ticket denoting that such Toll hath been paid on that Day upon such Part of the said Road as lies between the said Town of Penistone and Moscar.

and also once a Day in *Fallcliff Wood*, and *Bamford Wood-lane*.

And be it further enacted, That all and every Person and Persons having paid Toll at any Turnpike or Turnpikes which shall be erected at or near the West End of the said Bridge, called Yorkshire Bridge, shall be permitted to pass Toll-free on that Day with the same Horse, Cattle, Beast, or Carriage, through the said Turnpikes; and also through either of the Turnpikes to be erected in Fallcliff Wood, or in Bamford Wood-lane, but not through both the said Turnpikes; and so in like Manner every Person having paid Toll at the Turnpike to be erected either in Fallcliff Wood or in Bamford Wood-lane, shall be permitted to pass Toll-free on that Day with the same Horse, Cattle, Beast, or Carriage, through the Turnpike or Turnpikes to be erected at or near the West End of the said Bridge called Yorkshire Bridge, upon producing a Ticket denoting that such Toll shall have been so paid as aforesaid; any Thing in this Act contained to the Contrary hereof in any-wise notwithstanding.

Persons paying Toll may pass and repass Toll-free on the same Day.

Provided also, That all Persons having paid Toll at all or any of the Turnpikes hereby authorised to be erected and set up in Fallcliff Wood, and across the Roads at the West End of the Bridge called Yorkshire Bridge, and in the Lane called Bamford Wood-lane as aforesaid, shall be permitted to return and afterwards to pass and repass Toll-free with the same Horse, Cattle, Beast, or Carriage, as often as they shall have Occasion so to do on the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, through the same Turnpike or Turnpikes at which

which such Toll shall have been so paid, such Persons producing Notes or Tickets of the Day denoting that the Toll was paid on that Day at such Turnpike or Turnpikes; all which Notes or Tickets the Collectors of the Tolls upon any Part or Parts of the Roads hereby intended to be repaired, is and are hereby required to give gratis on the Receipt of the Tolls.

No Turnpike to be erected between *Penistone* and *Moscar*, &c. till 100*l.* for each Mile be subscribed;

Provided always, and be it further enacted, That no Turnpike shall be erected or set up by virtue of this Act between the Town of Penistone and Moscar aforesaid until the Sum of One hundred Pounds shall be actually subscribed for repairing each Mile of Road from the said Town of Penistone to Moscar aforesaid; and that no Turnpike shall be erected upon any other Branch of the Roads directed to be repaired by this Act in the County of Derby until the Sum of One hundred Pounds shall be actually subscribed for repairing each Mile of such Branches or Parts of the Roads aforesaid as lie within the said County of Derby where such Gates shall respectively be erected; any Thing herein before contained to the Contrary hereof in any-wise notwithstanding.

nor between *Mytham Bridge* and a Malthouse in the Possession of *James Walton*.

And whereas Part of the Road described in this Act lying between Bamford and Hathersage, being One Mile and a Quarter in Length, or thereabouts, is Part of the Road leading from Hope to Sheffield, which is directed to be repaired by an Act made in the Thirty-first Year of the Reign of his late Majesty, 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 Fields Cupola*, through *Grindleford Bridge*, *Great Hucklow*, *Tidswell*, *Hardgate Wall*, and *Fairfield*, to *Buxton* in the County of *Derby*: And whereas it would be very oppressive to Travellers if a Turnpike was to be erected upon such Part of the Road as lies between Mytham Bridge, in the Parishes of Hathersage and Hope, in the County of Derby, and the Village of Hathersage aforesaid; be it therefore enacted by the Authority aforesaid, That nothing in the said recited Act, or in this present Act, shall authorise or impower the Trustees appointed by the said recited Act, or this present Act, to erect, set up, or continue any Turnpike or Turnpikes upon such Part of the Road before described as lies between Mytham Bridge aforesaid and a Malthouse in the Possession of James Walton, in the Village of Hathersage, or any Part of the said Village of Hathersage; any Thing contained in the said recited Act, or in this present

ſent Act, to the Contrary hereof in any-wiſe notwithſtanding.

After 25 *March*, 1771, Truſtees may compound for the Repair of the Road between *Peniſtone* and *Grindleford Bridge*.

And whereas Part of the Road between Peniſtone Bridge and Grindleford Bridge aforeſaid, in the Pariſh of Hatherſage, for about the Diſtance of One Mile and One Quarter of a Mile is already repaired by, and is under the Direction of the Truſtees appointed to put in Execution an Act made in the Thirty-firſt Year of the Reign of His late Majeſty, 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 Fields Cupola*, through *Grindleford Bridge*, *Great Hucklow*, *Tidſwell*, *Hardgate Wall*, and *Fairfield*, to *Buxton*, in the County of *Derby*; and it is reaſonable that ſome Allowance ſhould be made to the ſaid Truſtees out of the Tolls ariſing by this Act, towards keeping the ſaid Part of the ſaid Roads in Repair, and as a Compenſation for the Loſs of Toll to be collected at the Turnpike erected at Mytham Bridge by virtue of the ſaid recited Act; be it therefore enacted by the Authority aforeſaid, That the Truſtees appointed to put this Act in Execution, or any Five or more of them, ſhall, within One Month next after the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, and ſo within One Month next after the Twenty-fifth Day of March in every Year during the Continuance of this Act, pay, or cauſe to be paid, to the Treaſurer for the Time being to the Truſtees, for the Care of the Roads mentioned in the ſaid recited Act, the Sum of Seventeen Pounds, in Conſideration of the Expences which they may incur in maintaining and keeping in Repair the ſaid Roads, and as a Compenſation for the Loſs of Toll to be collected at the ſaid Turnpike erected at Mytham Bridge; and in caſe the ſaid annual Sum of Seventeen Pounds, or any Part thereof, ſhall be behind and unpaid by the Space of One Month after the ſame ſhall be due, and ſhall have been demanded, that then, and as often as the Caſe ſhall happen, it ſhall and may be lawful to and for the ſaid Truſtees, for the Care of the ſaid Roads mentioned in the ſaid recited Act, or for ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands and Seals appoint for that Purpoſe, to ſeize all or any of the Turnpike or Turnpikes which ſhall then be ſtanding upon any Part of the Roads directed to be repaired by this Act, and to collect and receive the Tolls authoriſed

authorised to be collected and received thereat, until the Sum then remaining due and unpaid, and all reasonable Charges attending such Seizure, Collection, and Perception, shall be fully paid and satisfied, and no longer; any Thing contained in this present Act to the Contrary hereof in any-wise notwithstanding.

Application of Money.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Money to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in or in relation to the obtaining of this Act; and afterwards all such Tolls and Money shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees may vary 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, at their First Meeting, and from Time to Time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, 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 Turnpikes as they the said Trustees, or any Seven or more of them, shall think fit; 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 said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons who shall be intitled to Two-thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Ten 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.

Truſtees may compound with Travellers.

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, 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 any Perſon or Perſons for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Road, or any Part thereof, for all or any of the Tolls to be paid for or in reſpect of ſuch Carriages, Horſes, Cattle, or Beaſts; and all ſuch Compoſition-money ſhall be paid 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-money ſhall be applied in ſuch Manner as the Tolls, in reſpect whereof ſuch Compoſition is made, are directed to be applied.

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, from Time to Time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons for any Term of Years, not exceeding Three Years, for the beſt 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; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Penalty on giving or receiving Tickets to evade the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Land, Ground, or Hereditament, lying near any Turnpike which ſhall be erected by virtue of this Act (the ſame not being a publick Highway); or if any Owner or Occupier of any ſuch Ground, Land, or Hereditament, ſhall immediately permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame; 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, whereby the Payment of any of the ſaid Tolls, or of any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike, with any Horſe or other Cattle or Beaſt; or ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Roads,

any Carriage, Horse, Cattle, or Beast, with 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 any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Tolls or Duties shall be demanded or taken for any Cattle or Carriage, laden with any Materials for repairing any Road or Highway, or with any Dung, Compost, or Manure, (except Lime) of any Nature or Kind whatsoever, for manuring of any Gardens or other Land or Ground, within the Township or Hamlet where such Dung, Compost, or Manure, shall be made or gotten; or laden with Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof; or for any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for stocking of Land in the several Townships or Hamlets in which the said Roads hereby intended to be repaired do lie; or for any Coaches or other Carriages, or Passengers on Horseback, going to, or returning from, any any Election of a Knight or Knights of the Shire to serve in Parliament for the County of York or Derby, on the Day or Days of such Election; or for any Person or Persons going to and from Church or other Place of religious Worship they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Roads lead; or for any Cattle or Carriage carrying Corn to any Mill to be ground, or returning empty having delivered such Loading, or going unladen to fetch such Corn ground, or returning laden therewith, such Corn being the Property of any Inhabitant of the Mill or Hamlet where such Corn shall be ground, and being for the Use and Consumption of such Inhabitant only; or for any Horse or other Cattle going to, or returning from Pasture or Water; or for any Post-horse or Vehicle carrying the Mail; or for the Horses of any Officers and Soldiers on their March, or for Carts or Carriages attending them; or for Horses or Carriages travelling

Penalty on illegal Claims.

velling with Vagrants sent by Passes: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, every such Person shall forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein-after directed to be applied.

Trustees may borrow Money on the Credit of 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, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Seven or more of them, shall think proper, to borrow and take up at legal or less Interest, such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and also they the said Trustees, or any Seven or more of them, may, and 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 original Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums that shall be so borrowed, and the Interest thereof; 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 affixed in Writing upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, 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 assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured; and such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon, and such Assignee may in like

Assignments to be entered in a Book.

Manner

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 due thereon; and all and every Person and Persons to whom any such Mortgage or Assignment 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, and shall have no Preference in respect of the Priority of advancing any such Monies.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from Time to Time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and, from Time to Time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act;

Trustees may appoint Officers,

and allow Salaries.

Officers to account upon Oath.

then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the West Riding of the County of York, or for the County of Derby, shall make Enquiry concerning such Default, either by the Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath, (which Oath such Justice or Justices is and are 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 Justice or Justices shall commit every such Offender to the Common Gaol for the County of York or Derby, 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 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 Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think proper.

Officers upon Emergencies to be appointed.

Provided also, That upon the Death of any Collector of the Tolls, or his being incapable to perform his Duty, it shall be lawful for any Five 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 the Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Victuallers, &c not to enjoy Places of Profit.

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors,

veyors, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials proper for the repairing of the said Road, out of and from any waste Grounds or Common, Rivers or Brooks, in any Parish, Town, or Place in which any Part of the said Road lies, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Five or more of them, to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any waste Grounds, Common, River, or Brook, or private Grounds shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

Surveyors may remove Annoyances.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, and 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 of the Premises shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require,

require, for the Space of One Month next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Surveyors may make Causeways.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for going or performing any of the Works aforesaid upon or through any Moor or waste Grounds.

Trustees may purchase Lands.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Road through any Moor or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they

they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to 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 may sustain by the diverting, turning, or altering the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever seised of, or interested in, or intitled unto such Lands, Tenements, or Hereditaments in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons whatsoever, and to and for all Femes-covert who are or shall be seised or interested in their own Right, and to all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, or to contract for and give in Exchange any Part or Parts of the said old Road or Path so to be made as aforesaid for the said new Road or Path so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the Contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Execu-

tors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them respectively 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 principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is intended to be diverted, turned, or altered, shall, for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; 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 may require, to summon and call before them such Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises, (which Oath any Two or more of the said Trustees are hereby impowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming, or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, as well as all other Person or Persons whomsoever; and for summoning

Where Persons refuse to treat, &c. Jury to assess the Recompence on Oath.

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ing and returning such Juries the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands shall lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff, or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, either of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Juries and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse 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, shall refuse or neglect to appear, or appearing shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine shall be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

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

Jurors may be challenged.

Trustees may impose Fines.

And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of any Monies to be borrowed on the Credit thereof, to the Parties or Persons respectively intitled to such

Monies assessed to be charged on Tolls.

such Monies, or their Agents; and upon Payment thereof, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorised, by Writing under the Hands of the said Trustees, or any Seven or more of them, to divert or turn such Roads through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended, and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Road shall be 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 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 Roads by this Act directed to be repaired; or the said Trustees, or any Seven or more of them, may, and they are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting the former Roads for any Part or Parts of such new Roads; 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, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the Contrary thereof in any wise notwithstanding.

Lands liable to Repairs to continue so.

Old Road may be sold.

Trustees not to act where interested.

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

Persons liable to repair Bridges, &c.

And be it further enacted, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any

Sum or Sums which have been given or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads lie, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Roads, (except the Inhabitants of the Hamlet of Wooland, in the Parish of Eaym, and the Inhabitants of the Lordships or Hamlets of Highlow and Abney, or either of them, in the Parishes of Hope and Hatherfage, in the said County of Derby, who are meant and intended to be exempted and excused from doing and performing any Statute-work upon any of the Roads hereby directed to be repaired) shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work, (except as before excepted) as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes and Places in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places shall yearly, and every Year, within Fourteen Days after Demand 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, Parishes, and Places, are liable to do Statute-work, (except as before excepted) and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, shall, from Time to Time, direct

and do Statute-work.

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

rect and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Fourteen 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 such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor or Churchwarden shall, for every such Neglect or Refusal, forfeit and pay the Sum of Forty Shillings; and every Person (except as before excepted) who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; (that is to say) Every Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings, and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of Two Shillings; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Roads, 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 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 Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

Labourers found idle, to be turned off.

Provided always, and be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with

Trustees may compound for Statute-work.

with the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his 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, Parishes, 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 Meetings of such Inhabitants, to compound and agree by the Year, or otherwise, with the said 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 Roads; all which Composition-monies shall be, from Time to Time, paid in Advance, and shall be applied in the Repair of the said Roads; 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.

Penalty on haling Timber, &c otherwise than on Wheel-carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Tree or Piece of Timber which shall be conveyed upon Wheel-carriages to drag upon any Part of the said Roads to the Prejudice thereof, every such Person shall, for every such Offence forfeit the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession before any Justice of the Peace for the County or Place wherein such Offence shall be committed, (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke,

Penalty on defacing Mile-stones.

broke, or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after-directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol, there to remain without Bail or Mainprize for any Space not exceeding Three Months, nor less than One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law, and the Direction of this Act.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, (the Manner of levying and recovering whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes); 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, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from Time to Time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Roads: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common

Gaol of the County where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Two Months, unless such Penalties and Forfeitures, 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, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter-sessions of the Peace to be held for the West Riding of the County of York, or the County of Derby, and within Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Six Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace, 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-session; and the Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter-sessions shall be final, binding, and conclusive, to all Intents and Purposes.

giving Notice,

and entering into Recognizance.

Distress not to be deemed unlawful for Want of Form;

And be it further enacted, 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, Notice, 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 may recover full Satisfaction for the special Damage in an Action upon the Case.

Provided always, and be it enacted, That no Mortgage, Assignment, Transfer, or other Security for the borrowing

Writings to be without Stamps.

rowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in a Book.

Provided always, and it is hereby further enacted, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled, as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said 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.

Continuance of this Act.

And be it further enacted, That this Act shall commence and have Continuance from and after the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed for want of Form,

And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the Contrary notwithstanding.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the West Riding of the County of York, or the County of Derby, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to

General Issue.

be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County 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 Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

And be it further enacted, That this Act shall be deemed, adjudged, 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. Publick Act.

FINIS.