Anno quarto

Georgii III. Regis.

An Act for amending and widening the Road from *Tinsley*, in the County of *York*, to the Town of *Doncaster*, in the said County.



WHEREAS the Road leading from the Town of Tinsley, in the County of York, through the Towns of Rotherham, Thrybergh, Hooton, otherwise Hooton Roberts, Conesburgh, Warnsworth, Ballby, and from thence to the Town of Doncaster, in the said County of York, is in a ruinous Condition, and in many Places very narrow and incommodious: 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 be enacted; and be it enacted by the King's most Ex- Preamble.

cellent 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 Francis Osborne, commonly called Marquis of Carmarthen; the Honourable Frederick Ponsonby, commonly called Lord Duncannon; Lord Viscount Molesworth, of the Kingdom of Ireland; John Fountayne Dean of York, the Honourable Richard Howard, Sir George Savile, Sir George Armitage, Sir Lionel Pilkington, Sir Rowland Winn, Sir Brian Cooke, Sir John Kay, Sir Thomas Wentworth, Sir William Horton, Baronets; Henry Athorpe, John Arthur, Salmon Ashton, James Allott, William Aldam, John Allott, Benjamin Amory, Thomas Aldam, Woodifield Beckwith, Samuel Buck, Matthew Buck Clerk, Robert Buck, Thomas Bright Clerk, William Battie, William Battie the younger, John Battie, William Burton, John Burton, Robert Banks, Dennis Brown, Edward Bellamy, John Beale, Jacob Boomer, William Bower, Richard Bosvile, John Bower the younger, Josiah Beckwith, John Bingley, Godfrey Bosville, William Brooke, Godfrey Bingley, John Becket, John Bowden, Thomas Beaumont, George Cooke, George Cooke Clerk, Mordecai Cutts, John Cooke, John Cooke of Barnbrough, Bryan Cooke, John Cooke of Kilnhirst, Peter Cave, Francis Caley, Josiah Clay, William Carleil, John Carver, Lionel Copley, Robert Copley, Joseph Cosens, John Cutforthay, Matthew Charlton, John Charlton, John Clarke, William Crookes, William Cartwright, Thomas Cotton of Haigh, John Cockshutt, John Cooke, William Dawson 89. D. William Dixon, Joseph Dixon, Samuel Dawson, Henry Downes Clerk, George Dunston, John Dowson, George Dyson, Robert Dent, Jeremiah Dixon Clerk, John Deykin, William Elleker, John Elleker, Richard Ellison, George Elliott, Francis Edmunds, William Elmhirst, Savile Finch, James Farrer, Francis Foljambe, Bacon Frank, Richard Fenton, William Finney, William Favile, William Favile the younger, Obed Foljambe, John Foljambe, William Fox, Howley Freeman, William Fenton, William Fenton junior, William Fenton of Hunslet, Thomas Fenton, Philip Gell, William Greene 89. D. John Griffith Clerk, Thomas Gunning, Philip Gill, Thomas Gill, William Greene, Henry Greene Clerk, Thomas Gill, John Hewett, Selwood Hewett, Henry Howard, William Harrison, John Hussey, John Hirst, John

Trustees Names.

John Hirſt the younger, John Hatfield the younger, George Hatfield Clerk, William Harriſon Clerk, William Hedges Clerk, Rowland Hodgſon Clerk, Thomas Hanley, Francis Hall Clerk, John Hall Clerk, John Hall, John Hawley, John Hancock, Benjamin Hague, Abel Heurtley, Joſeph Kenyon, Solomon Holmes, Thomas Heaton, George Healey, Samuel Hallows Hamer, Rowland Hibbard, Joſeph Hall Clerk, John Hirſt, William Jackſon, John Jacques, Richard Ibbetſon, Ralph Knight, John Kay, Samuel Kirke, John Kent, John Killingbeck, John Kirke, Edwin Laſcelles, Anthony Saint Ledger, John Liſter, John Lloyd Clerk, Thomas Lawſon Clerk, Matthew Lambert, Thomas Loxley Clerk, John Lee, Randolph Marriott D. D. John Moor, William Mirfin, William Marſden, Thomas Marſden, William Marſden junior, Samuel Moult, Eneas Macdonald, Francis Mandeville, Joſeph Matthewman, Mallinſon Matthewman, Robert Marſh, John Mence Clerk, Benjamin Micklethwaite, Richard Micklethwaite, William Milner, Gamaliel Milner, the Mayor of the Corporation of Doncaſter for the time being, Maſter Cutler of the Company of Cutlers in Hallamſhire for the time being, John Nodder, Iſaac Nodder, Walter Oborne, Edward Oates, Charles Oates, John Oxley, John Parker the younger, Nathaniel Pearſon, John Pearſon, Kenyon Parker, Joſeph Purſglove, Robert Poynton, William Patrick, William Potter, Robert Pulleyn, William Parkin, Thomas Parkin, Samuel Phipps, Samuel Phipps Clerk, William Phipps, Joſeph Purſelove Clerk, George Purſelove, George Paſhley, Timothy Rhodes, Benjamin Roebuck, Saint Andrew Raynes, Aymor Rich, Thomas Rawſon, William Rowley Clerk of Wentworth Caſtle, John Radclyffe Clerk, John Sybury Roebuck, Joſeph Roberts, John Redfearne the younger, Richard Rawlin, Chriſtopher Radley, William Simpſon, Samuel Shore, Samuel Shore the younger, Richard Sheppard, Thomas Smith of Ballby, Francis Smith, Henry Smith M. D. Thomas Smith of Sheffield, John Shirecliffe, Thomas Short M. D. John Stacye Clerk, Thomas Stacye, William Spencer, Thomas Stones, James Stovin, John Wheatley Sorſbie Clerk, Mark Skelton, Samuel Sykes, Thomas Scammodine, Thomas Snowden, Henry Scholey, John Spencer, John Shepherd, Thomas Smith, John Sylveſter Smith, Stephen Simpſon, Thomas Slater, Thomas Steade, Thomas Steade the younger, Samuel Tooker, Hammond Turner Clerk,

Thomas Tofield, Samuel Turner, Ralph Tunnicliff, Thomas Townrow, Richard Townend, Thomas Taylor, William Thorpe, William Thorpe junior, the Honourable Thomas Willoughby, John Wrightson, John Woodyear, Josias Wordsworth, Andrew Wilkinson, James Wilkinson Clerk, Charles Wilkinson, Patientius Ward, Anthony Wharton, George Westby, George Walker, Godfrey Woolley Clerk, Robert Wilson, Leonard Webster, Gervas Wright, Richard Wright, William Watson of Bolton, William Watson of Sheffield, John Whitehead, John Winks, Thomas Waterhouse, Samuel Walker, Matthew Waterhouse of Rotherham, Matthew Waterhouse of Bramley, Isaac Walton, James Walton, John Walton, William Withers Clerk, Godfrey Wentworth, Francis Wood, John Wilson, William Wilson, Rowland Winn, Edmund Winn, George Wood Clerk, William Wood, Thomas Young M. D. and John Trevers Young; 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 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 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 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 prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty,

Penalty on acting, not being qualified.

nalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Jeremiah Lockwood, known by the Sign of The Red Lion, in the Town of Rotherham, on that Day Three Weeks next after the passing of this Act, 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 or to adjourn to another 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 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, or at any other Place on or near the said Road, 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.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act, Meeting to be adjourned.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present;

nor to be revoked unless 9 are present.

Trustees who are in the Commission of the Peace to act as Justices, except where interested.

And

On Death, &c. of Trustees, others to be chosen.

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 Sheffield, Rotherham, and Doncaster, 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.

20 Days Notice thereof to be given.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five 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 Five or more of them, shall direct or 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,

and take the following Tolls thereat.

The Tolls.

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 drawn by Four Horses or other Beasts of Draught, One Shilling and Six Pence; and drawn by Two Horses or other Beasts of Draught, Nine Pence.

For every Chaise or Chair, drawn by One Horse, Three Pence.

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other 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 Four 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 Two Pence for every Horse, Ox, or other Beast of Draught so drawing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

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 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 vested in Trustees.

Tolls to be levied by Distress and Sale.

Trustees to carry the Road through *Thrybergh* and *Hooton Roberts*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to authorize or impower the said Trustees, or any of them, or any Person employed by them or any of them, to turn, divert, alter, or change, the Course or Path of any Part or Parts of the said Road hereby directed to be repaired, otherwise than as to avoid carrying the same through the said Towns of Thrybergh and Hooton, otherwise Hooton Roberts, but that the said Road shall be repaired, and at all Times hereafter, during the Continuance of this Act, kept in Repair through both those Towns; any thing in this Act to the contrary notwithstanding.

No Turnpike to be erected within a certain Distance of *Doncaster*.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to impower the said Trustees to erect any Gate or Toll-bar nearer to the Town of Doncaster than a certain Gate called Weaver Pond Gate, situate on the West Side of the said Town of Warnsworth, or any Side-gate in a certain Lane on the South Side of the Road next adjoining to the said Weaver Pond Gate, leading to Warnesworth Lime Kilns.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they shall direct and appoint, to erect, or 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 do not extend to a double Charge.

And whereas by virtue of the Powers hereby given the Trustees may find it necessary, in order to prevent evading the Tolls hereby granted, to erect a Side-gate at or near Ballby, across the Road which leads from Tickhill towards Doncaster; and if any Act of Parliament should hereafter be made for repairing the Road from Tickhill to join the Road by this Act directed to be repaired at Ballby, such Side-gate may be unnecessary for the Purposes of this Act; be it therefore enacted by the Authority aforesaid, That in case any

Act

Act of Parliament should at any Time hereafter be made for repairing the Road which leads from Ballby to join the Road hereby directed to be repaired, and a Turnpike should by virtue thereof be erected any where near Ballby, that then for and during such Time only as any such Turnpike shall continue there, no Side Gate as aforesaid shall be suffered to remain at or near Ballby by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

A Side-gate, &c. not to be erected at Ballby and Heaton Robert.

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, and 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.

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

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 shall apply the Remainder of the Money to be 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.

Application of the Tolls, &c.

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

Trustees may lessen the Tolls.

Rates

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 upon the Market Crosses of the Towns of Sheffield, Rotherham, and Doncaster.

and raise them again.

Tolls to be paid but Once a Day.

Provided always, and be it enacted, That no Person or Persons having Occasion to pass through any Gate or Turnpike to be erected by virtue of this Act, who shall return or pass through the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, and shall produce a Note or Ticket of the Day, denoting that the Toll or Duty was paid at such Gate or Turnpike (which Note or Ticket the said Collector or Collectors is and are hereby required to give gratis on Receipt of the Toll) shall be liable to pay the said Toll or Duty more than Once at the said Gate or Turnpike.

Trustees may compound with Travellers.

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

And

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, to be fixed on all the Turnpike Gates which shall be then erected and set up, and upon the Market Crosses of the Towns of Sheffield, Rotherham, and Doncaster, of their Intent to let such Tolls, at least Twenty 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 Three 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 and disposed of, and to no other Use or Purpose whatsoever. Trustees may lease the Tolls.

Provided always, and be it 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; or 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 Lime, Mould, Dung, Compost, or Manure, employed in Husbandry for manuring and improving of Lands in the said several Townships; or from any Person who may hold or occupy any Farm within any Township or Hamlet, in which any Toll-gate or Toll-bar shall be erected, going to or returning from any Part of his said Farm; or 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, which they usually resort to on Sundays; or who shall attend the Funeral of any Person or Persons that shall Exemptions from Tolls.

die, and be buried in any of the said Parishes of for any Horse or Cattle going to or from Water or Pasture; or for any Hog Horse carrying Dirt Soil or Pathed; or for the Horses of Soldiers passing that are upon their March, or for Waggons Wains, Carts, and Carriages attending them; or for Horses, Carts, and Carriages travelling with Vagrants sent by Pass; or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of York; 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.

Particular Exemptions from Toll.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken at any Side-gate that may be erected between the Town of Doncaster and the Town of Warnsworth, for any Horse, Cattle, or Carriage, going empty for, or returning laden with Lime only; nor shall any Toll be demanded or taken at such Side-gate from any of the Inhabitants of the Township of Ballby, or the Parishes of Loversall, Wadworth, Stainton, Wilfick, or Tickhill; nor from any of the Occupiers of a certain Farm called Broomhouse Farm, in the Township of Edlington, for passing or repassing through the same; any thing herein contained to the contrary notwithstanding.

Extended to the Iron Works of *Samuel Walker*, &c.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken at any Gate that may be erected between the Towns of Finsley and Rotherham for any Horse, Cattle, or Carriage, coming from or returning to the Forges or Iron or other Works in the Town of Masbrough, or a certain Place called The Holmes, in the Parish of Rotherham aforesaid, belonging to or in the Occupation of Samuel Walker and Company, that shall pass or repass over the Ford called Deadman's Hole; so as such Exemption shall not extend, or be construed to extend, to any Person or Persons who are not the immediate Owners or Occupiers of such Works, or his or their known Servants or Workmen; nor shall the same be construed or extend to the said Owners or Occupiers of the said Works, carrying Goods for hire; any thing herein contained to the contrary notwithstanding.

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. No Toll to be taken for crossing the Road only.

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 Lands, Grounds, or Hereditaments, 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 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; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied towards the amending the said Road. Penalty on Persons permitting or going thro' private Passage, &c. or giving or receiving Tickets, or taking off Horses, &c. to avoid Payment 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 said Tolls, in such Manner as they shall think proper, to borrow and take up at Interest any such Sum and 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 Trustees may borrow Money upon the Credit of the Tolls.

to be paid out of such Tolls) to any Person or Persons, for any Term not exceeding [illegible] 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 the Dates and Contents of all such Mortgages or Assignments shall be entered into 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 Meeting, unless Notice be, for that Purpose, fixed in Writing upon all the said Turnpikes, and upon the Market Crosses of the Towns of Sheffield, Rotherham and Doncaster, at least Twenty 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 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.

And

Assignments to be entered in a Book.

20 Days Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

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.

All Creditors to be deemed equal in Degree.

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; 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 Seven or more of them, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven 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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

their Hands to the said Trustees, or any Seven 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 Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Seven or more of them, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in any of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the West Riding of the County of York, 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 Enquiry 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 of the Offences aforesaid, such Justices shall and may 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 Seven or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Seven or more of them, shall appoint; which Composition the said Trustees, or any Seven 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 Seven or more of them.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until Payment or Composition made.

And

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. Treasurer to give Security.

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

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the 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, Gravel, Stones, 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, in any Parish, Town, or Place, in, adjoining 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, or otherwise sufficiently fenced in and secured; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Limestone, Sand, Flints, or other Materials, proper and sufficient Surveyors may dig Gravel, &c. without paying for the same; levelling the Pits. If sufficient Materials cannot be had there, they may be taken from private Grounds;

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, Limestone, 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 any 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 Surveyor, 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, 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 to the said Trustees, or any Five or more of them, shall adjudge and think reasonable; they the said Trustees or Surveyor or Surveyors causing the Pits to be filled up, and the Ground to be levelled from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured: 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, the Justices of the Peace, at their next General Quarter Sessions to be holden for 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 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.

making Satisfaction to the Owners.

Justices to determine Differences.

Provided

Provided always, That nothing herein contained shall extend to impower the said Trustees, or any Person or Persons employed by them, or any of them, to search for, dig, gather, take, or carry away, any Sand, Gravel, or other Materials for repairing the said Road, out of any River or Brook above any Mill, Mill-dam, or Weir, within the Distance of Two Furlongs from any such Mill, Mill-dam, or Weir, or below any Mill, Mill-dam, or Weir, within the Distance of Forty Yards from any such Mill, Mill-dam, or Weir; any thing in this Act contained to the contrary notwithstanding. Not to dig for Sand, &c. within certain Distances of Mills, &c.

Provided always, and be it 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 Waste 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 own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings. Penalty on taking away Materials which have been dug for repairing the Roads.

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 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 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 Surveyors to make Causeways, &c. Drains, &c. and erect Bridges, &c.

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 Five or more of them, shall seem meet.

making Satisfaction to the Owners.

Surveyors to remove Annoyances, &c.

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 Chattles, 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,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor,

to be levied by Distress and Sale.

Penalty of a Second Offence.

the

the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Owners neglecting to scour their Watercourses, &c.

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 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 cleanse them,

and levy the Charges by Distress and Sale.

Surveyors may make Causeways, &c.

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

erect Bridges,

of

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, the Grounds adjoining to 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 any 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 Road 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.

and make a temporary Road;

making Satisfaction to the Owners.

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 directed, the Inhabitants of the Township, Parish, or Hamlet, wherein the old or former Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old or former Road, unless

If the old Road be turned, Inhabitants not liable to repair the same.

unless the same leads to some Village, Town, or Place, with which the new Road doth not communicate.

Penalty of obstructing Officers in their Duty, &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, 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 Forty Shillings.

Trustees may contract for the Purchase of Lands, &c. to be laid into the Road.

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 any ways sustain by such widening, turning, or altering, any Part of such Road: And it shall and may

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

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 Coverts, 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 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 or 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 Seven or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the 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

Owners neglecting to treat, &c.

Jury to settle the Damage and Recompence.

mages 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 Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and 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 Seven or more of them, ſhall think fit: And after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damages and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, or in Tail 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,

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

Title,

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 Seven 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 do or shall 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 Seven 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; 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 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

Trustees to file their Warrant to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

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

Fine not to exceed 10 l.

nor be more than the Sum of Forty Shillings upon any other Person for One Offence.

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 to 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 this or any other Law, to be repaired; and, from thenceforth, all Parties and Persons whatsoever, shall be divested of all Right and Title to such Lands and Hereditaments: 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 thereof notwithstanding.

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

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

and esteemed a publick Highway, and kept in Repair as such.

Buildings, &c. not to be injured.

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 any ways liable or 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 as is in and by this Act otherwise directed.

Persons liable to repair any Part of the Roads, to continue so.

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

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 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 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

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

Penalty on Persons not performing Statute-work

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 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 publick Notice as aforesaid, come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, 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.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven 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 Repairing 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 Seven 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

Trustees may compound for Statute-work.

Monies

Monies shall be from time to time paid in Advance, and shall be applied in 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 paying the Composition Monies, how to be reimburted.

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, before the Twenty ninth Day of September, which will be in the Year of our Lord One thousand seven hundred and sixty six, 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 said 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 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 One or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where the Offence shall be committed, before 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 and their

Penalty on defacing Mile-stones;

to be levied by Distress and Sale.

Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common 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, or until the said Sum of Forty Shillings shall have been paid.

Penalty on haling Timber 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 Twenty 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 Chattles 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 Good and Chattles; and also 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 Common Gaol or House of Correction for the County, Riding, Division, or Place, where the Matter shall arise, 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, Ten entire Days Notice at the least in Writing, of his or their 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 Sessions, 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 of such Quarter Session shall be binding and conclusive, to all Intents and Purposes.

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, and appoint, 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 Mile-stones or Posts thereon, in such Manner, and for such Sum or Sums of Money,

as the said Trustees, or any Five or more of them, shall think proper.

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 Five 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. All Contracts entered into by the Trustees, deemed valid.

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. Distress not unlawful for want of Form; nor the Parties distraining deemed Trespassers *ab initio*.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, 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; and such Orders shall be taken and deemed to be original Orders; which said Book or 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. Proceedings to be entered in a Book.

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 Writings to be without Stamps.

be charged or chargeable with any Stamp Duty whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from 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.

Form of Conviction.

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

West Riding of the County of *York*.

BE it remembered, That on the in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the said Riding by virtue and in pursuance of an Act of the Fourth Year of the Reign of His Majesty King *George* the Third, for amending the Road from *Tinsley* to *Doncaster* (*specifying the Offence, and when and where committed.*)

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

Which

Which said Form of Conviction, or any Proceeding to 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.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until 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; and 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.

General Issue.

Treble Costs.

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

FINIS.