Anno quarto

Georgii III. Regis.

An Act for amending and widening the Road from the South End of the Town of *Rotherham*, in the County of *York*, to the preſent Turnpike Road near *Pleaſley*, in the County of *Derby*; and alſo the Road from the North End of the ſaid Town of *Rotherham*, into the preſent Turnpike Road on the Eaſt Side of *Tankerſley Park*, in the ſaid County of *York*.

WHEREAS the Road leading from the South End of the Town of Rotherham, in the County of York, through the Towns of Whiſton and Aughton, from thence to the Towns of Clown and Stony Houghton, to the preſent Turnpike Road near the Town of Pleaſley, which leads from the Town of Mansfield to the Town of Cheſterfield; and alſo the Road leading from the North End of the ſaid Town of Rotherham, through Wentworth, into the preſent Turnpike Road leading from Sheffield to Leeds, on the Eaſt Side of Tankerſley Park, in the ſaid County of York, are in a ruinous Condition, and in ſeveral Places very narrow and incommodious: And whereas the ſaid Preamble.

Roads 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 Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Truſtees Names.

That the Right Honourable Francis Oſborne, commonly called Lord Marquis of Carmarthen; the Honourable Frederick Ponſonby, commonly called Lord Duncannon; 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 John Manners, commonly called Marquis of Granby; the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck; Sir George Savile, Sir George Smith, Sir Henry Hunloke, Sir Charles Molyneaux, Sir Charles Sedley, the Reverend Sir John Moſeley, Sir Thomas Stanhope, Sir Willoughby Aſton, Sir Lionel Pilkington, Sir Rowland Winn, Baronets; Henry Athorpe, James Allott, John Allott, the Honourable George Byrop, Samuel Buck, Robert Buck, William Battie, William Battie the younger, Woodifield Beckwith, Edward Bellamy, Charles Bellamy, George Burden, Francis Broadhurſt, Thomas Gaunt Barber Clerk, Charles Brown, Robert Brown Clerk, Martin Bird, John Brailsford, Joſeph Briggs, John Briggs, John Booth, Thomas Broomhead, Jonathan Broomhead, John Bingley, George Booth, Thomas Billam, Joſhua Birks, Joſhua Birks the younger, Joſeph Clay, William Carleil, John Carver, Godfrey Clarke, Godfrey Clarke the younger, Lionel Copley, William Chaworth of Anſley, William Chaworth of Baſeford, William Coſens, Thomas Coſens, Chriſtopher Cotton, Joſeph Coſens, Thomas Cotton, William Clarke Clerk, Thomas Croſſley, Humphry Clayton, Ralph Capps, John Clarke, John Cutforthay, John Charlton, George Donſton, Henry Downes Clerk, Samuel Dawſon, Edward Dawſon, William Downend, John Dakyne, Francis Denner, George Dyſon, Clement Ellis, John Eggington, Savile Finch, James Farrer, Francis Foljambe, Richard Fenton, William Fipney, Richard Flint, John Ferris, Obed Foljambe, John Foljambe, Samuel Foxley, William Favile, William Favile the younger, William Greene D. D. John Griffith D. D. John Griffith Clerk, Henry Gladwin, John Gladwin, Edward Gould, George Gill, John Green, Thomas Gladwin,

win, the Honourable and Reverend William Harley, John Hewett, Henry Howard, William Harriſon, John Huſſey, John Hirſt, John Hirſt the younger, Godfrey Heathcot, George Hurſt, John Hatfield the younger, Samuel Hallows Hamer, Urban Hall, Francis Hall Clerk, John Hall, William Hill, Robert Hallifax, Brabazon Hallows, William Hallows, Chaworth Hallows Clerk, James Hardwick, Joſeph Baggeley Matthew Heath, Eliazer Heywood Clerk, William Harding, John Hollins, John Hopewell, William How, Windſor Hunloke, Robert Hunloke, James Hunloke, William Hyle, John Hewett Clerk, Rowland Hibbard, John Ibbotſon, George Incarſell, Chriſtopher Jones, John Kay, Henſon Kirkby, John Kellet, John Kent, John Lee, Thomas Lee, John Lloyd Clerk, Boſſall Leatham, William Leatham, John Litchfield, Edmund Litton M. D. Thomas Linley the younger, William Melliſh, Charles Melliſh, William Murfin, William Marſden, Thomas Marſden, William Marſden junior, Samuel Moult, Eneas Macdonald, John Marſhall, William Marſh, William Marriott, Robert Morton, Maſter Cutler of the Company of Cutlers in Hallamſhire for the time being, John Maſon Clerk, William Mollyneux, Francis Mollyneux, Robert Marſh, Frederick Montague, John Naylor, William Newſome, Robert Newton, Daniel Newton, Nathaniel Newton, Lancelot Newton, Edward Nevile, John Norborne, John Norborne the younger, Walter Oborne, Edward Oates, John Parker the younger, Kenyon Parker, John Pearſon, Robert Poynton, Edward Sacheverell Pole, Joſeph Purſglove, Strelley Pegg, William Potter, Joſeph Parkin, Gilbert Rodes, John Sybury Roebuck, Chriſtopher Radley, William Robenett, John Roddey, Robert Rogers, George Rumley, Arthur Charles Stanhope, Abel Smith, Samuel Shore the younger, John Stacye Clerk, Thomas Stacye, William Spencer, Thomas Stones, Samuel Sherwin, Henry Sherbrook, Charles Staniforth, John Wheatley Sorſbie Clerk, Samuel Sykes, John Sims, Francis Sims, George Sims Clerk, William Sims, Richard Stanton, Samuel Shepherdſon, John Shirt of Wales, George Shirt, George Shirt the younger, Henry Scholey, Samuel Tooker, Hammond Turner Clerk, Ralph Tunnicliff, John Taylor, John Taylor the younger, Robert Taylor, William Taylor, Thomas Tagge, Richard Tompkin, Thomas Tompkin, Jeremiah Tompkin, John Thorpe, Robert Thorpe, Robert Thorpe the younger, William Toplis, John Veſſey, William Veſſey, Henry Veſſey, the Honourable Thomas Willoughby, Andrew Wilkinſon, James Wilkinſon Clerk, Charles Wilkinſon,

Stephen Wilkinſon, George Weſtby, George Walker, John Whitaker, Robert Waterhouſe, Thomas Waterhouſe, John Whitehead, Samuel Walker, John Warſop, Matthew Waterhouſe, John Watſon, James Weſt, Benjamin Wilcock, William Wilſon, Robert Wilſon, Charles Wright, Charles Wright the younger, Robert Wright, Thomas Wright Clerk, William Wright, Iſaac Walton, Thomas Wright of Wales, George Wragg, Thomas Young M. D. John Travis Young, and Samuel Yates Clerk; ſhall be, and they and their Succeſſors to be elected in Manner herein after-mentioned, are hereby appointed Truſtees for ſurveying, amending, widening, altering, and keeping in Repair, the ſaid Road from the South End of the Town of Rotherham, through the Towns of Whiſton and Aughton, from thence to the Towns of Clown and Stoney Houghton, to the preſent Turnpike Road near the Town of Pleaſley, which leads from the Town of Mansfield to the Town of Cheſterfield, being hereafter-mentioned as the Firſt Diſtrict of Road hereby intended to be repaired; and alſo for putting in Execution all other Powers by this Act given, ſo far only as the ſame relate to the ſaid Firſt Diſtrict of Road: And that the Right Honourable Francis Oſborne, commonly called Marquis of Carmarthen; the Honourable Frederick Ponſonby, commonly called Lord Duncannon; Lord Viſcount Moleſworth in the Kingdom of Ireland, John Fountayne Dean of York, the Honourable Richard Howard, Sir George Savile, Sir George Armytage, 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, Thomas Aſkham, 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 Boſvile, William Brooke, Godfrey Bingley, John Beckett, John Bowden, Thomas Beaumount, Thomas Baxter, John Booth, George Cooke, George Cooke Clerk, Mordecai Cutts, John Cooke, John Cooke of Barnbrough, Bryan Cooke, John Cooke of Kilnhirſt, John Cooke of Greaſbrough, Peter Cave, Francis Caley, Joſiah Clay, William Carleil, John Carver, Lionel Copley, Robert

Truſtees for the Second Diſtrict.

bert Copley, Joſeph Coſens, John Cutforthay, Matthew Charlton, John Charlton, John Clarke, William Crookes, William Cartwright, Thomas Cotton of Haigh, John Cockſhutt, John Cooke, Jeremiah Dixon Clerk, John Deykin, William Dawſon M. D. William Dixon, Joſeph Dixon, Samuel Dawſon, Henry Downes Clerk, George Dunſton, John Dowſon, George Dyſon, Robert Dent, John Denton, William Elleker, John Elleker, Richard Elliſon, George Elliott, Francis Edmunds, William Elmhirſt, John Ellis, Savile Finch, James Farrer, Francis Foljambe, Bacon Frank, Richard Fenton, William Finney, William Favile, William Favile the younger, Obed Foljambe, John Foljambe, William Fox, Houſeley Freeman, William Fenton, William Fenton junior, William Fenton of Hunſlet, Thomas Fenton, Philip Gell, William Green M. D. John Griffith Clerk, Thomas Gunning, Philip Gill, Thomas Gill, William Green, Henry Green Clerk, George Gawtrees, Jonathan Gawtrees, John Hewett, Sellwood Hewett, Henry Howard, William Harriſon, John Huſſey, John Hirſt, John Hirſt the younger, John Hatfield the younger, George Hatfield Clerk, William Harriſon Clerk, William Hedges Clerk, Rowland Hodgſon Clerk, Thomas Handley, Francis Hall Clerk, John Hall Clerk, John Hall, John Hawley, John Hancock, Benjamin Hague, Abel Hartley, Joſeph Kenyon Solomon Holmes, Thomas Heaton, George Healey, Samuel Hallows Hamer, Rowland Hibbard, William Hull, John Hall junior, Joſeph Hall Clerk, John Hirſt, William Jackſon, John Jaques, Richard Ibbotſon, 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, Robert Leatham, Randolph Marriott D. D. John Moor, William Mirfin, William Marſden, Thomas Marſden, William Marſden junior, Samuel Moult, Eneas Macdonald, Francis Mandevile, Joſeph Matthewman, Malliſon Matthewman, Robert March, 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, Joſeph Newton, Walter Oborne, Edward Oates, Charles Oates, John Oxley, John Parker the younger, Nathaniel Pearſon, John Pearſon, Kenyon Parker, Joſeph Purſglove, Robert Poynton, William Partrick, William

liam Potter, Robert Pulleyn, George Purſlove, Joſeph Purſlove Clerk, William Parkin, Thomas Parkin, Samuel Phipps, Samuel Phipps Clerk, George Paſhley, William Phipps, Joſeph Parkin, Aymor Rich, John Radclyffe Clerk, Thomas Rawſon, William Rowley Clerk of Wentworth Caſtle, Timothy Rhodes, Benjamin Roebuck, Saint Andrew Raynes, John Sybury Roebuck, Joſeph Roberts, John Redferne 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 Shirtcliffe, Thomas Short M. D. John Stacye Clerk, Thomas Stacye, William Spencer, Thomas Stones, James Stovin, John Sanderſon, John Spencer, John Shepperd, Thomas Smith, John Silveſter Smith, Stephen Simpſon, Thomas Slater, Thomas Steade, Thomas Steade the younger, John Wheatley Sorſbie Clerk, Mark Skelton, Samuel Sykes, Thomas Scammodine, Thomas Snowden, Henry Scholey, Joſeph Stenton, Samuel Tooker, Hammond Turner Clerk, Thomas Tofield, Samuel Turner, Ralph Tunnicliff, Thomas Townrow, Richard Townend, William Thorp, William Thorp junior, Thomas Taylor, John Thirlwall, Caliſthenes Thomas, 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 Wooley 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, William Withers Clerk, Godfrey Wentworth, Francis Wood, John Wilſon, William Wilſon, Rowland Winn, Edmund Winn, James Walton, John Walton, George Wood Clerk, William Wood, Jonathan Weſt, John Wilſon of Broomhead, Thomas Young M. D. and John Travis Young, ſhall be, and they and their Succeſſors to be elected in Manner herein after-mentioned, are hereby appointed Truſtees for ſurveying, amending, widening, altering, and keeping in Repair, the ſaid Road leading from the North End of the ſaid Town of Rotherham, through Wentworth, into the preſent Turnpike Road leading from Sheffield to Leeds, on the Eaſt Side of Tankerſley Park, in the ſaid County of York, being herein after-mentioned as the

Second

Second District of Roads hereby intended to be repaired; and also for putting in Execution all other the Powers by this Act given, so far only as the same relate to the last-mentioned District of Road.

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, for the said First District, 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 Fifty Pounds above Reprizes, or possessed of, or intitled unto, a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And that no Person shall be capable of acting as a Trustee in the Execution of this Act for the said Second District of Road, 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 to 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 qualified, as aforesaid, shall presume to act, contrary to the Intent and Meaning of this Act, 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, upon Proof given of his having acted as a Trustee in Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Five or more of them, shall meet together at the House of George Eadson, known by the Sign of The Pack Horse, at Pebly Lane End, in the County of Derby, on that Day Month next after the passing of this Act; and that the Trustees for the said Second District, or any Five or more of them, shall meet at the House

of Matthew White, in the Town of Wentworth, in the County of York, on that Day Three Weeks next after the passing of this Act; and shall respectively proceed to the Execution of this Act within their respective Districts, and shall then adjourn themselves, and shall afterwards meet at the Places aforesaid, or at any other Place or Places within their respective Districts, as they the said respective Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen, that there shall not appear at any such Meeting a sufficient Number of Trustees to act and to adjourn to another Day, the Trustee or Trustees then present, or the Clerks to the said respective Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing at least Ten Days before the next Meeting, appoint such 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, in such District respectively, on that Day Three Weeks next after the Day for which such last Meeting was appointed; and the said respective Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said respective 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.

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 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 for such District, 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

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

ing or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given in Writing by the Clerk or Clerks to the Trustees for the District where such Election shall be made, at least Twenty Days before every such Meeting; and all such Persons who shall be so chosen, shall be joined with such surviving or remaining Trustees for such District, and are hereby authorized and impowered to act in the Execution of this Act within such District, to all Intents and Purposes, in as full and ample Manner, as the Trustees hereby appointed for such District are authorized and impowered to act within the same. 20 Days Notice thereof to be given.

And be it further enacted by the Authority aforesaid, That the said respective Trustees in their respective Districts, 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 in each District respectively, and also a Toll-house to each Gate or Turnpike, as the said respective 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, from time to time as they shall think fit; and that the Tolls following shall be demanded and taken at each of the said Turnpikes or Toll-gates which shall be erected upon or cross the said Road leading from the South End of the Town of Rotherham, in the County of York, through the Towns of Whiston and Aughton, and from thence to the Towns of Clown and Stoney Houghton, to the present Turnpike Road near the Town of Pleasley, which leads from the Town of Mansfield to the Town of Chesterfield, by such Person or Persons as the said Trustees for the said First District, or any Five or more of them, shall from time to time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses, and take the following Tolls thereat.

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Chair, Hearse, or Chaise Marine, drawn by Six Horses or other Beasts of Draught, 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, the Sum of Nine Pence. Tolls for the 1st District.

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

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

For every Waggon, Wain, Cart, or other 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 Three 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, the Sum of One Penny.

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

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

And the Tolls following shall be demanded and taken at each of the said Turnpikes or Toll-gates which shall be erected upon or cross the said Road leading from the North End of the said Town of Rotherham, through Wentworth, into the present Turnpike Road leading from Sheffield to Leeds, on the East Side of Tankersley Park, in the said County of York, by such Person or Persons as the said Trustees for the said Second District, 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,

Tolls for the 2d District.

For every Coach, Landau, Berlin, Chariot, Curricle, Calash, Chaise, Chair, Hearse, or Chaise Marine, drawn by Six Horses or other Beasts of Draught, One Shilling; and drawn by Four Horses or other Beasts of Draught, Nine Pence; and drawn by Two Horses or other Beasts of Draught, Six Pence; and,

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

For every Carriage laden with any Block or Blocks of Stone or Marble, or Piece or Pieces of Timber, or with any Mill-stone or Mill-stones, One Shilling.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses or Beasts of Draught, Six Pence; and drawn by Three Horses or Beasts

Beasts of Draught, Four Pence Half-penny; and drawn by One or Two Horses or Beasts of Draught, Three Pence.

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, the Sum of 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, the Sum of 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 respective Trustees for the District in or on account of which the same are respectively raised; 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.

Provided always, and be it further enacted by the Authority aforesaid, That no more than Two Turnpikes shall be erected in pursuance of this Act across the Road directed to be repaired in the said Second District, One of which shall be erected between the North End of the said Town of Rotherham, and a Place called the Haugh; and the other shall be erected between the Haugh aforesaid, and the present Turnpike

No more than Two Turnpikes to be erected within the 2d District.

Road on the East Side of Tankersley Park; any thing in this Act to the contrary notwithstanding.

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 respective 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, within their respective Districts, 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, within such District; so as the same do not extend to a double Charge upon any Person or Persons for passing through any other of the Gates or Turnpikes erected by virtue of this Act in such District.

and take Tolls thereat,

so as the same do not extend to a double Charge.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of the several Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also of all Materials which shall be actually got or collected for repairing the said Roads, shall be, and are hereby vested in the said respective Trustees, in and for their respective Districts; 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 respective Treasurers or Clerks, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them the said respective Trustees in the Possession thereof.

Expences of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That all the Charges and Expences which shall be incurred in and about obtaining and passing of this Act shall be paid as follows; that is to say, Towards discharging the Fees incurred in both Houses of Parliament the Sum of One hundred and twenty five Pounds, and no more, shall be paid out of the First Tolls which shall be collected within the Second District of Road aforesaid, or out of the First Money that shall be borrowed on the Credit thereof, and the Remainder of such Fees shall be paid out of the First Tolls which shall be collected within the First District of Road, or out of the Monies which shall be borrowed on the Credit thereof; and with respect to all other Charges and Expences which shall be incurred on account of obtaining

taining this Act, the same shall be separately paid out of the respective Tolls, or out of the Money which shall be borrowed on the Credit thereof, which shall be collected within that District of Road only, in relation to which such Charges and Expences shall have been respectively incurred, and to which the same shall properly belong, separate and distinct from the Charges which shall have been incurred, or which relate or properly belong to the other District of Road, and not otherwise, according to the true Intent and Meaning of this Act.

Trustees may lessen the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Seven or more of them, within their respective Districts, 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 respective Tolls, to lessen or reduce all or any of the respective Tolls herein before mentioned, within their respective Districts, and for such Time or Times as they the said respective 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 respective Trustees, or any Seven or more of them, may, from time to time, direct the respective Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the said Turnpikes, within their respective Districts, 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 respective Tolls hereby granted in each respective District 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.

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 respective Trustees, or any Seven or more of them, within their respective Districts, 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 within such District doth lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act within such District; 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 said respective Tolls are directed to be applied: Provided always, That this Act shall not authorize the taking any Composition for, or in respect of any Horses, Cattle, Beasts, or Carriages, travelling for Hire.

Trustees may lease the Tolls

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Seven or more of them, on giving Notice in Writing, of their Intent to let such Tolls, at least Twenty Days before their Meeting for such Purposes, from time to time, by Writing under their Hands and Seals, to demise and lease the respective 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 respective 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 respective Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

And be it further enacted by the Authority aforesaid, That in all Cases where Notice in Writing is directed to be given by this Act, for the Purposes thereof, if such Notice relates to the First District of Road, the same shall be affixed upon all the Turnpikes which shall be then erected within that District, and also upon the Market Crosses in Rotherham and Mansfield; and if such Notice relates to the Second District of Road, the same shall be affixed upon such Turnpikes as shall be then erected in that District, and upon the Market Cross in the Town of Rotherham. Notice of Meetings how to be given.

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 Roads, 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 for any Carriage or Cattle belonging to any Person who may hold or occupy any Lands or Farms within any Township or Hamlet, in which any Turnpike or Gate shall be erected, going to or returning from any Part of his said Lands or Farms, or from any Person or Persons residing in any of the said several Townships in which the said Roads, or any Part thereof, respectively doth lie, who shall pass through any of the said Turnpikes or Side 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 die, and be buried in any of the said Parishes; or for any Horse or Cattle going to or from Water or Pasture; or for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers passing that are upon their March, or for Waggons, Wains, Carts, or Carriages attending them; or for Horses, Carts, and Carriages travelling with Vagrants sent by Passes, or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going Exemptions from Tolls.

to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of York, Nottingham, and Derby; 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.

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

Lime Carriages, &c. not exempted.

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

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 Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said respective 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 said respective 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 Part of the said respective Tolls shall be evaded, 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 an Intent to avoid the Payment of any of the said respective 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 Twenty Shillings.

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 be lawful for the said Trustees for the said First District, or any Seven or more of them, at their First or any subsequent Meeting, by any Writing or Writings

Tolls may be assigned for Money borrowed.

Writings under their Hands and Seals, to assign over the Tolls arising by virtue of this Act upon the said Road leading from the South End of the Town of Rotherham, in the County of York, through the Towns of Whiston and Aughton, from thence to the Towns of Clown and Stony Houghton, to the present Turnpike Road near the Town of Pleasley, which leads from the Town of Mansfield to the Town of Chesterfield, by separate and distinct Assignments, the Costs and Charges of assigning the same to be paid out of the Tolls so assigned for any Term or Time during the Continuance of this Act, as a Security for the respective Sums so to be borrowed on the Credit of such Tolls by the said Trustees, or any Seven or more of them, to such Person or Persons, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon; and that it shall and may be lawful to and for the said Trustees for the said Second District, or any Seven or more of them, from time to time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls arising by virtue of this Act upon the said Road leading from the North End of Rotherham, through Wentworth, into the present Turnpike Road leading from Sheffield to Leeds, on the East Side of Tankersley Park, in the said County of York, by separate and distinct Assignments, the Costs and Charges of assigning the same to be borne and paid out of the Tolls so assigned, for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, to such Person or Persons, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon; 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 respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose given 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

Assignments to be entered in a Book.

20 Days Notice to be given of borrowing Money.

Assignments may be transferred.

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 Dates, 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 the Money so to be borrowed in each of the said Districts, shall be applied and disposed of by the said respective Trustees, or any Five or more of them, in their respective Districts, in such Manner and for such Purposes respectively as are herein mentioned, according to the true Intent and Meaning of this Act, and to no other Use or Purpose whatsoever.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said respective 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 respective Tolls in equal Degree one with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said respective 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

Surveyors of the said Road, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary, within their respective Districts; and such respective Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time to remove, and to appoint others in the Room of such of them as shall be so removed, and may and they are hereby authorized and impowered, out of the Monies which shall arise by the Tolls within each respective District, 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 Road within such respective Districts, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said respective 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 respective Trustees, or any Seven or more of them, deliver to such respective 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 respective Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said respective 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 respective 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 respective Trustees, or any Seven or more of them, all the Books, Papers, and

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Writings, in his Custody or Power, relating to the Execution of this Act; in each, any, or either, of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the West Riding of the County of York, or for the County of Derby or Nottingham, where any Part of the Roads 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 or either 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 Roads, 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 respective Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as the said respective Trustees, or any Seven or more of them, shall appoint; which Composition the said respective 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 respective Trustees, or any Seven or more of them.

Justices to enquire into the Default,

and commit the Offender, until Payment or Composition made.

Treasurer to give Security.

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

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

And be it further enacted by the Authority aforesaid, That no Person shall be capable of holding any Place of Trust or Profit under this Act, who shall keep any Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail.

Provided always, That as often as any Collector of the said respective Tolls shall die, or be incapable of performing

performing his Duty, it shall be lawful for any Five or more of the said respective 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 within their respective Districts; and the Persons so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said respective 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 Collectors, though not at a public Meeting.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective 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 respective Trustees, or any Five or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Chalk, Limestone, Sand, Flints, or other Materials proper for repairing of Roads in, upon, out of, or from, any Waste or Common Ground, or from any River or Brook (except within Thirty Yards Distance of any Mill Dam or Weirs 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 Roads) without paying any Thing for the same; they the said respective Trustees or Surveyors 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 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, Gravel, Stones, Chalk, Limestones, 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 Fields, Lands, 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

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;

Trees for the Ornament of any House, they the said respective Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, having an Order from the said respective 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 the said respective Trustees, or any Five or more of them, shall adjudge and think reasonable; they the said respective Trustees or Surveyor or Surveyors, or some of them, causing the Pits to be filled up, and the Ground to be levelled from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured: And in case of any Difference between the said respective Trustees, Surveyors, or Person or Persons by them respectively 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 respective 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 respective Surveyor or Surveyors, to be left at their respective Places of Abode, hear, settle, and determine, the Matter 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 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 Roads in each District respectively, 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 respective 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

Penalty on taking away Materials which have been dug for repairing the Roads.

for Sale) every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, or the Surveyor or Surveyors by them respectively 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 respective Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands of the said respective 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 Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall and may dig or cut, or cause to be digged or cut, any Drains or Watercourses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said respective Trustees, or any Five or more of them, shall seem meet.

and erect Bridges, &c.

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 respective Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said respective 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 Roads aforesaid; and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Roads, 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 respective Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said respective 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 Own-

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.

ers or Occupiers shall not, upon Demand, pay and reimburse to the respective Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors respectively, 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 respective Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

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 respective Trustees, or any Five or more of them, or by the said respective Surveyor or Surveyors; then, and in either of the said Cases, the said respective Surveyor or Surveyors, shall and 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 to be paid by such respective 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

Surveyors may cleanse them,

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 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. and levy the Charges by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such respective Surveyor or Surveyors, and such Person or Persons as shall or may be appointed by Order of the said respective 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 any Part of the said Roads, and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Roads, or any Part or Parts thereof, over any Part of the Moors or Waste Grounds contiguous and adjoining thereto, or through which the said Roads now pass; and also to cause Ditches or Trenches to be made in such Places and in such Manner as such respective Surveyor or Surveyors, by Order of the said respective Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping the said Roads in good Repair; and also to make or cause to be made a Road or Way through, over, and along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said respective Roads hereby intended to be repaired, not being a House or other Building, Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old 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 Road 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 Surveyors may make Causeways, &c. erect Bridges, and make a temporary Road; making Satisfaction to the Owners.

at their General Quarter Sessions of the Peace next holden for the County, Division, or Riding, within the Jurisdiction whereof the temporary Roads shall be turned, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, shall lie, in case any Difference shall arise between the said respective Trustees and such Owners and Occupiers respectively concerning the same.

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

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

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, hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said respective Surveyors, or any other Person or Persons, by them, or either of them, or by the said respective Trustees, or any Five or more of them, for those Purposes employed in the cutting, digging, taking, or carrying off any Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, for the altering, widening, or repairing, the said Roads, 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 Roads, 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 Roads.

And be it further enacted by the Authority aforesaid, That in case the said respective 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 Roads, for the better Accommodation of Passengers, that then the said respective Trustees, or any Seven or more of them, shall have full Power and Authority from time to time, to divert, turn,

turn, or alter, the Course or Path of any Part or Parts of the said Roads, 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 and may be lawful to and for the said respective 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 the said Roads: And it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and 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 respective 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; 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,

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

Owners neglecting to treat, &c.

taments, so to be taken in and added to the said Roads, or any Part thereof, or into which such Road or Roads is or are 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 respective 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 said respective Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into any Part or Parts of the said Roads, or of turning such Road or Roads into the same: And in order thereto, the said respective 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 respective 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 respective Trustees, or any Seven or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said respective 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

Jury to settle the Damage and Recompence.

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

in

in Poſſeſſion, or in Tail General or Special, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, 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 and Perſons whomſoever: And all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be, from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of, the ſame: And, for the ſummoning and returning ſuch Jury or Juries, the ſaid reſpective 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 ſo to be taken in do lie, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, to appear before the ſaid reſpective 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 reſpective 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 reſpective 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

Truſtees to iſſue 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.

trary 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 Fines shall exceed the Sum of Ten Pounds, upon any such Sheriff or his Deputy, nor be more than the Sum of Forty Shillings upon any other Person, for One Offence.

Fine not to exceed 10 *l.*

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

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 respective Tolls, or out of the Monies to be borrowed on the Credit thereof, which shall be collected within the District of Road where such Lands shall be so made use of, 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 respective Trustees, for the Use of such Parties or Persons, and after Ten Days Notice given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into, and made Part of, the said Roads, in such Manner as the said respective 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 lying within that District 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.

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

and esteemed a publick Highway,

and kept in Repair as such.

Buildings, &c. not to be injured.

Reservation of Rights.

Provided always, and be it enacted by the Authority aforesaid, That in case the said Trustees for the Second District of Road, or any Seven or more of them, shall

cause any new or additional Road to be made or cut through any Lands or Grounds belonging to the Lord or Lords of any Manor or Manors within the said District, in every such Case, as soon as such new or additional Road shall be completed, the Lands and Grounds constituting the old Road, unless the same leads to some Village, Town, or Place to which such new Road doth not lead, shall belong to the Lord or Lords of the said Manor or Manors, and the same is hereby declared to be vested in him and them, and he and they is and are hereby authorized and impowered to fence and inclose the same for his and their own Use and Benefit; and it shall not be lawful for any Person or Persons afterwards to use the same as a publick Road; any Usage or Custom to the contrary notwithstanding.

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 any Lands, Grounds, or Hereditaments, wherein he shall be concerned or interested.

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

And it is hereby enacted and declared, That all Persons who are any ways liable or chargeable towards repairing the said Roads, 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.

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

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways for the respective Townships and Places in which any Part of the said Roads 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 the respective Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors for the District of Road wherein such Townships or Places do respectively lie, 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, within each

respective District, as the said respective Trustees, or any Five or more of them, or their Surveyor or Surveyors, respectively, 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 respective Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid they 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, or Churchwarden, or Overseer of the Poor, for any such Town or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person keeping a Team or Teams, Draught or Draughts, Cart or Carts, as aforesaid, who shall, after such publick Notice, neglect or refuse to send his or her respective Teams, Draughts, or Carts, with such Horses or Beasts of Draught as he or she respectively employ, with One Person to attend the same, to perform such their respective Days Work on the said Roads, in such Manner as the respective Turnpike Surveyors 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 Roads, and be found idle or negligent by the said respective 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,

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

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.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said respective 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 Repair of any Part of the said Roads, 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 respective 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 Roads; all which Composition Monies shall be from time to time paid in Advance, and shall be applied in Repair of the Road within the District where such Statute-work ought to have been performed; and all such Surveyors, Churchwardens, or Overseers of the Poor respectively, 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 reimbursed.

Roads to be measured and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said respective 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 within their respective District to be measured, and Mile-stones or Posts to be set up on the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places; and also Posts at the several Roads leading out of the said Roads hereby directed to be repaired in each District, 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,

Penalty on defacing Mile-stones;

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 within the District where the Offence shall be committed; and in case the said Penalty shall not be forthwith paid upon Conviction, then it shall and may be lawful for any One or more Justice or Justices of the Peace, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the 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.

to be levied by Distress and Sale.

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 Roads, 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 the said Roads 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

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 Goods and Chattles; and all such Penalties, Forfeitures, and Fines (if not otherwise directed to be applied by this Act) shall, from time to time, be paid to the said respective 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 within that District where such Penalties, Fines, and Forfeitures shall be incurred; 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 Offender 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 respective 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 be it further enacted by the Authority aforesaid, That the said respective 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 Roads, within their respective Districts, 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 respective Trustees, or any Five or more of them, shall think proper.

and erecting Mile-stones.

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

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 respective 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.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said respective Trustees, in the Execution of the Power 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 respective 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 charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, 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. Commencement and Continuance of this Act.

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:

Form of Conviction.

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, by virtue of an Act of the Fourth Year of the Reign of His Majesty King *George* the Third, for amending and widening the Road from the South End of the Town of *Rotherham*, in the County of *York*, to the present Turnpike Road near *Pleasley*, in the County of *Derby*; and also the Road from the North End of the said Town of *Rotherham*, into the present Turnpike Road on the East Side of *Tankersley Park*, in the said County of *York*, [*specifying the Offence, and when and where committed.*]

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

Which

Which said Form of Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, or any Order made, or other Matter or Thing to be done or transacted, touching any Matter in or relating to the Execution of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

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 Ten 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 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

General Issue.

plead the General Issue, Not guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; and if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then

Treble Costs.

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.

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.

2