Anno quinto

Georgii III. Regis.

An Act for amending the Road from the *Pinfold* in *Balby*, in the County of *York*, to *Worksop*, in the County of *Nottingham*.

WHEREAS the Road leading from the Pinfold in Balby, near Doncaster, in the County of York, through the Towns of Balby, Loversal, Wadworth, and Tickhill, in the County of York, and through or near the Towns of Alecoats, and Carlton, to Worksop, in the County of Nottingham, is in a ruinous Condition, and in many Places narrow and incommodious, and cannot be effectually 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, That Jonathan Aclom, John Arthur, Salmon Preamble. Trustees Names.

Salmon Aſhton, Thomas Aldam, William Aldam, Francis Atkinſon, Henry Athorpe, Freeman Bower, Robert Bates, William Bennet, Thomas Briſtowe, William Briſtowe, William ~~Brough~~, ~~Baſil~~ Berridge Clerk, Woodifield Beckwith, John Beal, John Broughton, John Broughton junior, William Booker, William Booker junior, John Barker, George Brown, John Bright, Beardſhaw, Sir Bryan Cooke Baronet, Lionel Copley, George Cooke of Wheatley, Robert Copley, George Cooke of Warmſworth, John Cooke, Bryan Cooke, Noble Champion, Peter Cave, Robert Cave, John Cadman, George Cooke Clerk, William Cartwright, Henry Cowliſhaw, Joſeph Cowliſhaw, Mordicai Cutts, William Dixon, Joſeph Dixon, George Donſton, William Dawſon Doctor of Phyſick, the Mayor of Doncaſter for the time being, Robert Dawſon, John Dawſon, Thomas Dickinſon, Anthony Eyre, William Ellerker, John Ellerker, Richard Elliſon, Abraham Elliſon, John Eddiſon, Henry Eyre, Savile Finch, John Fountayne Doctor in Divinity, Edward Forſter, John France, Harriſon Ford Clerk, James Farrar, Francis Ferrand Foljambe, John Foſs, William Lord Viſcount Gallway, Robert Gainsford, Roger Garvis, Samuel Gill, Philip Gill, Thomas Gill, Francis Gill, Francis Gloſſopp, Thomas Goody, James Goodall, John Thornhaugh Hewett, Selwood Hewett, John Hancock, George Hatfield Clerk, John Hatfield of Hatfield, Thomas Heaton, George Healey, Robert Hill, Robert Hollyday, John Hutton, George Halifax, Francis Haworth, Solomon Holmes, Richard Hackett, James Hawkſworth, Auguſtine Headman, Peter Johnſon, Thomas Judſon, Thomas Judſon junior, Richard Jackſon, John Jaques, George Jarrat, Ralph Knight, Edmund Kirſhaw, William Kirke, William Levinz, John Lund, William Langley, John Liſter, Thomas Loxley Clerk, John Laughton, Sir William Molineux, William Melliſh, John Moore, Charles Melliſh of Bagnal, Charles Melliſh of Blyth, the honourable Gideon Murray D. D. George Maſon, George Marſh, William Mirfin, Alexander Murray, John Maſon, Francis Otter, Iſaac Nodder, Joſeph Purſglove, Nathaniel Pearſon, William Partrick, William Pigot, Robert Paſhley, William Paſhley Clerk, George Paſhley, Paul Parnell, Robert Ramſden, Thomas Robinſon, Richard Roe, John Richardſon, John Siberry Roebuck, Thomas Robinſon, Chriſtopher Radley, William Rawood, Sir George Savile, Anthony Saint Ledger, Jonathan Staniforth, Robert Sutton, Robert Sutton junior, John Sutton, William Simpſon, Henry Smith M. D. Thomas Smith, Francis Smith, Edward Smith, Gervaſe Seaton,

Seaton, James Stovin, George Shuttleworth, Jonathan Stovin, Robert Spencer, John Spencer, Richard Shepherd, Anthony Surtees, Francis Simes, Edward Sharpe, Cordal Stors, Staniforth, Thomas Tofield, Joseph Tomlinson, Thomas Tagg, the Honourable Morgan Vane, Morgan Vane junior, Josias Wordsworth, John White, John Wrightson, Anthony Wharton, Godfrey Wentworth, John Woodyeare, John Whitaker of Worksop, Godfrey Wolley Clerk, Patientius Ward, Taylor White, John Wright, Robert Wright, Edward Wilson, John Ward Clerk, Joseph Wilson, Joseph Wilson junior, Isaac Wilson, Thomas Woodcock, Beaumont Whitehead Clerk, Waddington Clerk, Richard Walker, Richard Whitaker, John Whitaker, John Winks, John Wright, Simon Woolby, and Benjamin Wilson, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees, for surveying, widening, and keeping in Repair the said Road, and also for putting in Execution all other the Powers in this Act given.

Qualification of Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds, above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified, shall presume to act, contrary to the Intent and Meaning 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 will 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 so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more, shall meet together at the House of the Widow Barker, known by the Sign of the Swan in Tickhill, in the County of York,

on that Day Three Weeks next after the passing of this Act, and proceed to the Execution of this Act; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear, at any such Meeting, a sufficient Number of Trustees to act and to adjourn to another Day, the Trustee or Trustees then present, or the Clerk to the said Trustees, in case there shall be no Trustee present, shall from time to time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to be held, or at any other Place on or near the said Road, on that Day Three Weeks next after the Day of which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and 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 the Number of Trustees revoking or altering the same, shall be Nine at the least, and unless the Person or Persons applying to revoke or alter such Order, shall give Notice in Writing to the Clerk of the said Trustees, by him to be fixed on all the Gates or Turnpikes then standing upon the said Road, at least Ten Days previous to any Meeting to be held for that Purpose; 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.

No Trustee to accept of a Place of Profit.

And

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

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

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

For

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 Six Pence.

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

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

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

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

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees: And the same, and every Part thereof, shall be paid, applied, and 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 and may 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 seizing and distraining, shall and may sell the Horses, Cattle, Beast, Carriage, or Goods and Chattles, so seized and distrained, rendering the Overplus (if any shall be) on Demand, to the Owner, after such Tolls, and all reasonable Charges shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

No Toll to be paid where the Cattle or Carriage do not pass above 200 Yards upon some Part of these Roads.

And be it further enacted by the Authority aforesaid, That no Person shall be liable to the Payment of any of the Tolls by this Act granted, for or on account

count of any Horſe, Cattle, or Carriage whatſoever, unleſs ſuch Horſe, Cattle, or Carriage, ſhall paſs above the Diſtance of Two hundred Yards upon ſome Part of the ſaid Roads; any thing contained in this Act to the contrary notwithſtanding.

Penalty of fraudulently taking the Benefit of this Exemption.

Provided always, That if any Perſon or Perſons ſhall fraudulently claim, take, or endeavour to take, the Benefit of this Exemption, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Three Pounds, and alſo the neceſſary Charges attending the Recovery thereof.

Truſtees may erect Side-gates, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall direct or appoint, to erect, or cauſe to be erected, One or more Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Road, 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 Turnpike to be erected by virtue hereof, ſo as the ſame do not extend to a Double Charge upon any Perſon or Perſons paſſing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat,

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

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

And be it enacted by the Authority aforeſaid, That the Right and Property of the ſeveral Turnpikes and Toll-houſes to be erected and provided by virtue of this Act, and of the Materials of which the ſame ſhall conſiſt, and alſo of all Materials which ſhall be actually got or collected for repairing the ſaid Road, ſhall be, and they are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Treaſurer or Clerk, or to prefer, or order the preferring of Indictments, againſt any Perſon or Perſons, who ſhall injure or diſturb them the ſaid Truſtees in the Poſſeſſion thereof.

Application of the Monies.

And be it enacted by the Authority aforeſaid, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay all the reaſonable Charges and Expences of procuring this Act, and other the reaſonable Charges incident thereto; and ſhall apply the Remainder of the Money ſo raiſed, in making, erecting, and repairing, of Bars and Toll-houſes; and repairing, widening, altering, and keeping in Repair, the ſaid Road, and of executing the Purpoſes of this Act, and to no other Uſe whatſoever.

Trustees may lessen the Tolls,

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

and raise them again.

Tolls to be paid but Once a Day.

Provided always, and be it enacted, That no Person having Occasion to pass through any Turnpike to be erected by virtue of this Act, who shall return or pass through the same 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 was paid at such 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 more than Once at the said Gate.

Trustees may compound with Parishes, &c.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and they are hereby impowered from time time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with

with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places, through which the Road hereby directed to be repaired doth lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition Money shall be paid half yearly in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be applied in such Manner as the Tolls are directed to be applied.

Trustees may lease the Tolls.

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

Exemptions from Toll.

Provided also, 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, or empty, and going for, or returning, having been laden with (on the same Day) any Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the several 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 Plows, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Manure, or Lime, to be employed in Husbandry and manuring and improving of Lands in the said several Townships; or from

from any Person or Persons residing in any of the said several Townships in which the said Road, or any Part thereof respectively, lies, who shall pass through any of the Turnpikes 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 Funerals 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 Horse or Carriage loaded with Water; or for any Horse, Mule, Ass, or other Beast, loaded with Milk only; or for any Post-horse carrying the Mail or Packet, or for the Horses of Soldiers upon their March, or for Waggons, Wains, Carts, and Carriages, attending them; or for Horses, Carts, and Carriages, travelling with Vagrants sent by Passes, or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said Counties of York or Nottingham: 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 illegal Claims.

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

No Toll for crossing the Road.

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, Grounds, or Hereditament, adjoining to, or lying near any Turnpike to be by virtue of this Act erected, (the same not being a publick Highway) or if any Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse or other Cattle, or Beast, from any Carriage, whereby the Payment of any Toll, or

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

or taking off Horses, &c.

Part

Part of the said Tolls shall be evaded, or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof shall be applied towards amending the said Road.

to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first, or any subsequent Meeting, upon the Credit of the said Tolls, in such Manner as they shall think proper, to borrow, and take up at Interest, any Sum or Sums of Money which they, or any Seven or more of them, shall think fit: And they, or any Seven or more of them, are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be borrowed, and the Interest thereof as aforesaid; and the Dates and Contents of all such Mortgages and Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after the first Meeting, unless Notice in Writing be for that Purpose fixed upon all the said Turnpikes, and on the Market Crosses of Doncaster, Tickhill, and Worksop, at least Twenty Days before the Borrowing of such Money: And all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and all the Money, both Principal and Interest, which shall be due thereon, to

Trustees may borrow Money on the Credit of the Tolls.

20 Days Notice thereof to be given.

Assignments may be transferred.

Entries of all Assignments to be made.

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 Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings, and no more; and which said Book or Books shall or may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall entitle such Assignee, his, her, and their, Executors and Administrators, 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 such Assignment or Transfer, to make void, release, or discharge, the same, or any Monies due thereon.

Clerk's Fee.

All Creditors deemed equal in Degree.

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

Trustees may appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Road, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time, to remove, and appoint others in the room of such of them as shall be removed, or shall die; and may and are hereby authorized and impowered, out of the Monies arising by the Tolls aforesaid, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them,

in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendances, Care, and Service, in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, from time to time, when thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall, for that Purpose, appoint, true and perfect Accounts in Writing under their respective Hands upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same; or if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up the Vouchers relating to the same, or to verify the Articles thereof, upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, within Fourteen Days after being thereunto required by the said Trustees, or any Seven or more of them, all the Books, Papers, and Writings, in his Custody, or Power, relating to the Execution of this Act; in any of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the West Riding of the County of York, or for the County of Nottingham, and such Justices, upon Complaint thereof being made to them, are hereby required to make Inquiry concerning such Refusal or Default, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby required to administer without Fee or Reward:) And if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall and may commit

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

mit

mit every such Offender to the Common Gaol, or House of Correction, of the County, Riding, Division, or Place, where the Offence was committed, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Seven or more of them, shall appoint; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make, or until he shall have delivered up such Books, Papers, and Writings, aforesaid, or given Satisfaction in respect thereof, to the said Trustees, or any Seven or more of them.

till Payment or Composition made.

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

Treasurer, &c. to give Security.

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

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

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

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors by this Act to be appointed, or for any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Chalk, Limestone, Sand, Flints, or other Materials, proper

Surveyors may dig Gravel, &c.

for

for repairing of Roads, in, upon, out of, or from, any Waste or Common Ground, or from any River or Brook (except within Forty Yards of any Mill or Dam) 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, and applied, in repairing the said Road, without paying any thing for the same; they the said Trustees, or Surveyors, or some of them, causing the Pit 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, Stone, Gravel, Chalk, Limestone, Sand, Flint, 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, Limestone, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, or over the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads; such Lands, Fields, and Grounds, or any of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees; they, the said Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some One of them, having an Order from the said Trustees, or any Five or more of them, under their Hands for so doing, and paying, or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge and think reasonable; they, the said Trustees or Surveyors, causing the Pits to be filled up, and the Ground to be levelled from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured: And in case of any Difference betwixt the said Trustees, Surveyors, or Person or Persons by them appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the said Damages, any Two or more Justices of the Peace of the County, Riding, Division, or Place, where any of the said Materials shall be taken and carried away, on Ten Days Notice thereof to be given

without paying for the same; levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

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

Penalty on taking away Materials dug from Quarries for the Use of the Road.

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 Lands, Fields, Wastes, or Grounds, River, or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials, before the said Surveyors, or their Workmen, shall have discontinued working therein, by the Space of Fourteen Days, except the Owner or Occupier of any private Ground, for his private Use, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale; every Person so offending, shall forfeit for every such Offence, the Sum of Forty Shillings.

Surveyors may make Causeways, &c.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands and Seals of the said Trustees, or any Five or more of them, for such Purposes respectively) to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part of the said Road; and shall and may erect or build any Bridges or Arches of Brick, Stone, or Timber, upon, in, or across, the said Road, or any Part thereof; and shall and may dig and cut, or cause to be digged and cut, any Drains or Watercourses, 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 Damage they shall thereby sustain, as to the said Trustees,

making Satisfaction to the Owners.

Trustees, or any Five or more of them, shall seem meet.

Surveyors to remove Annoyances, &c.

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

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor,

to be levied by Distress and Sale.

Penalty on 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

shall not, in a proper Manner, scour or cleanse such Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Fourteen Days after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same; and if the said Person and Persons shall not repay the said Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment 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 shall respectively live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be recovered and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may set Men to cleanse the same,

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 Surveyor or Surveyors, and such Person or Persons as shall or may be appointed by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road; and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Moors or Waste Grounds contiguous or adjoining thereto, or through which the said Road doth now pass; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping the said Road in good Repair; and also to make, or cause

Surveyors may make Causeways, &c.

erect Bridges,

and make a temporary Road;

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 Road hereby intended to be repaired, not being 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 at their General Quarterly Sessions of the Peace next holden for the County, Division, or Riding, within the Jurisdiction whereof the temporary Road shall be turned, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, Causeway or Causeways, shall be respectively erected or made, shall lie, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same.

making Satisfaction to the Owners of the Ground.

Provided always, That in case the antient or former Way over any Moor or Waste Ground shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish 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.

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

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

Penalty on obstructing Officers in their Duty.

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

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to divert, turn, or alter the Course or Path of any Part or Parts of the said Road, through or over any Moor or Waste Grounds, without making any Satisfaction for the same; 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 Trustees, or any Seven or more of them, to treat, contract, and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Road: And it shall and may be lawful to and for all Bodies Politick and 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 Cestique 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 Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Seven or more of them, all or any of such Lands or Hereditaments as Occasion shall be or require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate,

Bodies Politick, &c. impowered to treat.

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 of or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That in case any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so intended to be taken in and added to the said Road, or over which such Road is to be turned or altered, as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Riding in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same: And in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be and 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 the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the Places in Question, if there shall be Occasion, and use all lawful Ways and Means,

Damages to be assessed by a Jury.

Witnesses to be summoned and examined upon Oath.

as

as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit: And after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person 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 Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands or Grounds, so to be taken in, do lie, requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed: And the Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summons, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid: And in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies,

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

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

Jurors may be challenged.

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

Fine not to exceed 10*l.* or 40*s.*

And be it enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for, or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Money to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto, or to their Agents; and upon Payment thereof, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Parties or Persons; and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and make Part of the said Road, in such Manner as the said Trustees, or any Seven or more of them, shall 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,

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

Lands, &c. purchased to be laid into the Roads,

and esteemed a publick Highway.

and shall be repaired and kept in Repair, in such Manner as the Road hereby appointed to be repaired and widened, is by this or any other Law to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Road hereby intended to be repaired; and the Sale or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County of Nottingham, or at the Register Office of and for the West Riding of the County of York, as such Lands or Grounds may respectively lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, That 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.

Reservation of Rights.

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

Trustees not to act where interested.

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

Persons liable to do Statute-work to continue so.

And be it enacted by the Authority aforesaid, That all Persons who are any ways liable or chargeable towards repairing the said Road, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as they were before the passing of the said Act, except otherwise directed by this Act.

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

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

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

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

and on Persons not performing Statute-work.

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

Persons found idle to be turned off.

Trustees may compound for Statute-work.

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

Surveyors, with Consent of the Inhabitants, may compound for Satute-work.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered and required, before the Twenty ninth Day of September, which will be in the Year of Our Lord One thousand seven hundred and sixty

forty eight, to cause the said Road to be measured, and Stones or Posts to be set up on the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles, and Distance from Doncaster and Worksop, from such Stones or Posts; and may erect Posts at the several Roads, leading out of the said Road, thereby directed to be repaired, with Inscriptions thereon, directing to what Place or Places the said Roads respectively lead, if they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy any of the Stones or Posts which 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, or defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of such Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Riding, 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 towards 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 an Overplus of such Forfeitures, the same shall be laid out in repairing the said Road: And in Case the said Penalty shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice of the Peace, by Warrant under his Hand and Seal, 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 for any Time not exceeding Two Calendar Months, or until he or they shall have paid the said Sum of Forty Shillings.

Penalty on defacing Milestones, &c.

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

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures 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 Confession of the Party or Parties, or by the Oath of One Witness, to 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 and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattles: And all such Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers for the time being, and shall be laid out and applied in putting this Act in Execution: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, Riding, Division, or Place, where the Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted 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

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 her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the respective County, Riding, or Division, with sufficient Sureties, conditioned to try such Appeal, and 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 given as aforesaid, and of the entering into such Recognizance, shall proceed to hear, and finally determine, the Causes and Matters of such Appeals in a summary Way, and award such Costs to the Party 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.

Notice of Appeal to be given.

Recognizance to be entered into.

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

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted by the Authority aforesaid, That all Contracts in Writing entered into pursuant to any Order made by the said Trustees, or any Five or more of them, at any Meeting, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in Execution thereof.

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

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating

Proceedings, &c. not to be deemed unlawful for want of Form.

ing 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.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, in the Execution of the Powers hereby to them given, shall, from time to time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks to the said Trustees; 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 or may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

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.

Commencement and Continuance of this Act.

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

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, or any other Form of Words to the same Effect, as the Case shall happen:

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Form of Conviction.

County or Riding } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace, by virtue of an Act of the Fifth Year of the Reign of His Majesty King *George* the Third, for amending and widening the Road from *Pinfold*, in *Bolby*, in the County of *York*, to *Worksop* in the County of *Nottingham* (*specifying the Offence, and when and where committed*). Given under our Hands and Seals, or Hand and Seal, the Day and Year aforesaid.

Proceedings not to be quashed for want of Form;

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 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 hereof notwithstanding.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County, Riding, or Place where the Cause of Complaint shall arise, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be done, or that such Action or Suit shall be brought before Twenty one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, the Jury shall find for the Defendant or

General Issue.

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Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs; and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.