Anno quinto

# Georgii III. Regis.

An Act for amending and widening the Road from the Sign of the *Coach and Horſes* in *Birſtall*, to the Turnpike Road at *Nunbrook*; and from *Bradley Lane*, to the Town of *Huddersfield*, in the Weſt Riding of the County of *York*.



WHEREAS the Road leading from a Publick Houſe in Birſtall, known by the Name of the Coach and Horſes, to the Turnpike Road at Nunbrook; and from a Place in Bradley Lane, where the Road leading to Ealand and the Road leading to Huddersfield meet, to the Town of Huddersfield in the Weſt Riding of the County of York, is, in many Places, narrow and incommodious for Travellers and Carriages, and cannot be effectually amended, widened, and kept in Repair, by the ordinary Courſe of Law; to the End therefore that the ſaid Road may, with all convenient Speed, be amended and hereafter kept in good Repair; May it 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, Preamble.

Truſtees Names.

That the Right Honourable John Lord Viſcount Downe in the Kingdom of Ireland, the Right Honourable William Lord Viſcount Galway in the Kingdom of Ireland, the Right Honourable John Lord Pollington in the Kingdom of Ireland, the Honourable George Carey, Sir George Savile, Sir George Dalſton, Sir John Liſter Kaye, Sir Ralph Aſhton, Sir Rowland Wynn, Sir Thomas Wentworth, Sir John Ramſden, Sir Lionel Pilkington, Sir Walter Blackett, Sir William Milner, Sir George Armytage, Sir James Ibbotſon, Sir Thomas Saliſbury, Sir William Horton, Charles Alliſon, Thomas Arthington, Anthony Armytage, John Armytage, William Armytage of Brickhouſe, Joſeph Armytage, George Armytage, Henry Atkinſon, Joſeph Atkinſon, John Atkinſon, Joſeph Atkinſon junior, Bryan Allott Clerk, Bryan Allott junior, Henry Allott, William Blackburn, John Biſhop, Buſk, Muſgrave Briſcoe, Richard Beaumont, Thomas Beaumont, Godfrey Boſvill, Thomas Beaumont, Charles Swain Booth, Peter Birt, John Blaydes, James Blaydes, John Brook, Joſeph Brook, William Banks, Edmund Barker, Edmund Barker junior, Abraham Balme, Joſeph Bilton, Thomas Barſtow, Thomas Brook, Thomas Barſtow junior, Samuel Brook, Richard Burton, John Battye, Daniel Battye, William Beatſon, Joſeph Bradley, Thomas Bradley, William Beatſon of Hollinthorpe, Richard Beaumont Clothier, John Broadley, John Beevor, Nathaniel Cholmondley, Thomas Cotton, John Cookſon M. D. Thomas Cookſon, John Clapham, Robert Cheetham, Thomas Cotton, Richard Cotton, John Croſland of Lindley, James Croſland, Richard Cockill, Thomas Cockill, Richard Charleſworth, William Charleſworth, William Crooks, John Crooks, William Cowell, Joſhua Child, Samuel Dyſon, John Dawſon, Obadiah Dawſon, William Denton, John Dawſon of Hightown, John Dyſon, John Dyſon of Huddersfield, James Dyſon, Timothy Dighton, William Deniſon, Robert Deniſon, Thomas Deniſon, Jeremiah Dixon, Joſhua Dixon, George Dyſon, Robert Deniſon junior, William Danby, Samuel Davenport, Samuel Egerton, Ralph Empſall, Edward Empſall, Ralph Empſall the younger, James Farrer, Ayſcough Fawks, Francis Fawks, Benjamin Ferrand, Fairfax Fearnley, Edward Fenton, William Fenton, Thomas Fenton, William Fenton of Greenhead, Richard Fenton, Thomas Fenton of Leeds, Joſeph Fountain, Abraham Firth, Abraham Firth junior, George Fiſher, John Firth, Thomas Firth, Richard Fountain, Freeman Flower, Charles Gautier, Edward Gregg, Thomas Green, Harpham Green, Richard Green, James Green, John Gile, Edward

Edward Gray, John Greenwood, John Hirſt Clerk, Thomas Hirſt, Samuel Haigh, John Haigh of Hightown, John Haigh of Marſden, John Haigh of Golcarhill, Thomas Haigh of Pettyroyds, Thomas Haigh of Marſden, Daniel Haigh, Abraham Horsfall, William Hague, Marmaduke Hebden, John Hatfield, Robert Harper, Samuel Harper, Robert Harper junior, Walter Hawkſworth, Henry Hitch, John Horsfall, William Horsfall, Alexander Hatfield, Joſhua Horton, Hodgſon LL. D. Allan Johnſon, William Ingram, Benjamin Ingham, Joſhua Ingham, Richard Kaye Clerk, John Hatfield Kaye, Robert Lane, Edwin Laſcells, Daniel Laſcells, Edward Laſcells, Henry Laſcells, John Pare Liſter, Cavendiſh Liſter, Samuel Liſter, the Reverend Timothy Lee D. D. Edward Leeds, William Lamplugh Clerk, William Liſter, Thomas Lee, Thomas Lee junior, Richard Lee, John Lee, Thomas Lodge, Edmund Lodge, Francis Ledgard, Richard Lucas, Thomas Liſter, John Murgatroyd Clerk, Richard Micklethwaite, John Micklethwaite, Thomas Medhurſt, John Medhurſt, James Maude, Francis Maude, Francis Maude, William Maude, Daniel Maude, Richard Markham, George Morehouſe, Luke Marſden, Darcy Mollineux, Richard Matthewman, Law Mortimer, William Marſden junior, John Morehouſe, James Nelthorpe, Francis Norton, William Neviſon, Thomas Norton, John Newton, William Oſbaldiſton, George Oates, George Oates junior, Joſiah Oates, Samuel Oates, William Oates, John Pilkington, Michael Pilkington, Harriſon Pilkington, Metcalf Proctor, Edward Prince, John Prieſtly, Joſeph Prieſtly, William Prieſtly, William Prieſtly junior, Jonathan Prieſtly, Thomas Prieſtly, William Preſton, William Preſton junior, Richard Peacop, Abraham Preſton, Joſeph Pickford, William Pickford, Chriſtopher Routh, William Radcliffe, Robert Radcliffe, Charles Radcliffe, Jeremiah Rawſon, John Roebuck, Benjamin Roebuck, Amor Rich, Thomas Radcliffe, William Radcliffe of Bridge-houſe, George Ramſden, Robert Ramſden, William Ramſden, Richard Raynor, John Richardſon, Richard Richardſon, William Richardſon LL. D. William Rookes, John Smyth, John Sylveſter Smyth, Jonas Smyth, John Spencer, John Smyth of Holbeck, Thomas Smyth, Sydney Swiney Clerk, John Scott Clerk, Thomas Scott Clerk, Henry Scott, John Stanhope, Samuel Scatchard, Richard Shepley, Daniel Shepley, Thomas Shepley, Thomas Strother junior, John Senior, Richard Somiſter, Joſhua Smithſon, Luke Sechwell, William Topham, Richard Topham Clerk, Thomas Thornhill, George Thornhill, Thomas Thompſon, James Thompſon, William

Thompſon of Huddersfield, John Taylor, John Taylor junior, William Tottie, Walter Wade, Richard Wilſon, Thomas Wilſon, Edmund Wynn, Rowland Wynn, Thomas Wynn, Peregrine Wentworth, Godfrey Wentworth, Henry Wickham Clerk, Henry Wickham junior, Andrew Wilkinſon, Charles Wilkinſon, Richard Wheatley, William Wheatley, Joſeph Walker of Laſſell-hall, William Walker of Crowneſt, William Walker of Rawthorpe, Haigh Walker, Thomas Wolrich, Thomas Wolrich junior, Hatton Wolrich, John Walker, Thomas Walker, John Woodhead, Abramham Woodhead, Thomas Wade, William Whitacker, William Wilcock, Edward Wilks, Richard Wilcock, Samuel Zouch, Henry Zouch, Richard Zouch, Wormald, Henry Venn Clerk, ſhall be, and they and their Succeſſors, to be elected as herein after directed, are hereby appointed Truſtees for ſurveying, ordering, widening, amending, directing, changing, or altering, the Courſe of the ſaid Road, and for putting in Execution all other Powers by this Act given.

Truſtees may erect Turnpikes and Toll-houſes, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall authorize or appoint, ſhall and may, and they are hereby authorized and impowered to erect and ſet up, or cauſe to be erected and ſet up, One or more Turnpike or Turnpikes, Toll-houſe or Toll-houſes, in, upon, croſs, or on the Sides of any Part of the ſaid Road, and to remove and alter the ſame, as they the ſaid Truſtees, or any Seven or more of them ſhall, from time to time, think fit; and ſhall and may demand and take, before any Horſe, Beaſt, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through any of the Turnpikes aforeſaid, the ſeveral Tolls following; that is to ſay,

and take the following Tolls thereat.

The Tolls.

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

And for every Waggon, Wain, Cart, or other Carriage, the Fellies of the Wheels being of the Breadth or Gage of Nine Inches, and drawn by more than Eight

Horſes, Oxen, or Beaſts of Draught; or of the Breadth or Gage of Six Inches, and under Nine Inches, and drawn by more than Six Horſes, Oxen or other Beaſts of Draught; or of a leſs Breadth or Gage than Six Inches, and drawn by more than Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Ten Shillings.

And for every Waggon, Wain, Cart, or other Carriage, the Fellies of the Wheels being of the Breadth or Gage of Nine Inches, and drawn by Eight Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Three or Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Nine Pence; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Six Pence.

And for every Waggon, Wain, Cart, or other Carriage, the Wheels thereof being of a leſs Breadth or Gage than Nine Inches, and which ſhall be of the Breadth or Gage of Six Inches at the leaſt, and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Eight Pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Four Pence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight Pence; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Six Pence.

And for every other Waggon, Wain, Cart, or other Carriage, the Wheels thereof not being of the Breadth or Gage of Six Inches, and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings: and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Six Pence.

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two Pence.

For

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

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

And be it further enacted by the Authority aforesaid, That the several Tolls hereby granted and made payable, shall and may be demanded and taken in the Name of and as a Toll; and the Money so to be raised as aforesaid, shall be, and is hereby, vested in the said Trustees and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after directed.

Tolls vested in the Trustees.

No Turnpike to be erected till 3000 *l.* be subscribed.

Provided always, That no Turnpike shall be erected, or Toll collected, upon any Part of the said Road, until the Sum of Three thousand Pounds shall be actually subscribed for repairing the said Road; any thing in this Act to the contrary notwithstanding.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be, and are hereby, vested in the said Trustees; and they, or any Seven or more of them, are hereby authorized and impowered to bring Actions in their Names, or in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers; or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage, such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons who shall have Occasion to pass through any of the Turnpikes erected in pursuance of this Act, with any Coach, Waggon, Wain, Cart, or other Carriage, Horse, or other Cattle, having paid the Tolls appointed by this Act to be taken, and who shall return, or pass or repass, on the same Day through the same Turnpikes, with the same Carriage, Horse, or Cattle, shall be liable or compellable on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, to pay Toll more than Once at the same Turnpike on the said Road; but all and every such Person or Persons, after having paid Toll Once, shall,

upon

upon producing a Note or Ticket denoting the Payment of such Toll, afterwards pass with such Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, through all or any of the said Turnpikes; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Tolls to be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the time being, or any Seven or more of them, or any such Person or Persons as they, or any Seven or more of them, under their Hands, shall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof, neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or any other Cattle or Goods, upon or on account, or in respect of which such Toll is by this Act imposed or made payable, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same; and to detain and keep the same until such Tolls, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid: And it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken (such Toll, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, and reasonable Charges for distraining, detaining, and keeping and selling the same, shall be deducted and paid.

Distress may be sold after 5 Days.

Penalty on going thro' or permitting private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning or occupying any Lands or Tenements near to any of the said Turnpikes, shall permit any Person or Persons to pass through any Fields, Grounds, Inclosures, or private Way, with any Coach or Carriage, or Horse or other Cattle; or if any Person or Persons shall pass through any such Field, Ground, Inclosures, or private Way, with any Coach or other Carriage, or Horse or other Cattle, as aforesaid; or shall give or receive from any Person or Persons any Ticket or Tickets; or shall forge or counterfeit any Ticket or Tickets by this Act directed to be given, whereby the Payment of any Toll appointed by this Act shall be avoided; or if any Person or Persons shall unload, or cause to be unloaded, any Goods or Merchandize; or shall forcibly pass through any such

or giving or receiving Tickets, &c.

or unloading Goods, &c.

taking off Horses, &c.

such Turnpike or Turnpikes with any Horse, or other Cattle or Beast, or with any Carriage; or shall take off, or cause to be taken off, any Horse, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls; or shall leave, or cause to be left, upon or near the said Road, any Cattle or Carriage as aforesaid; or shall conceal or secrete any Goods or other Things chargeable with Toll, with such Intent as aforesaid; every Person so offending in any of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

to avoid Payment of the Tolls.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be collected or taken on the Day or Days of Election for a Knight or Knights of the Shire to serve in Parliament for the County of York, nor on the Day before, or Day after, such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Waggon, or other Carriage, Horse, or other Cattle, loaded with, carrying, drawing, or empty, and going for, or returning, having on the same Day been laden with Gravel, or other Materials, for widening and repairing the said Road, or any Road in any of the Townships, Hamlets, or Places, wherein the Road, hereby intended to be repaired, doth lie; or laden with, or empty and going for, or returning empty, having on the same Day been laden with, Hay, or Corn in the Straw; nor shall any Toll be taken of any Person residing in any of the Townships or Places in which the said Road, or any Part thereof, doth lie, who shall pass through any Turnpike to or from Church, or other Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person who shall die or be buried in any of the said Townships or Places; nor shall any Toll be taken for any Horse, or other Cattle, drawing Ploughs, Harrows, or any other Implements of Husbandry, or any Carriage loaded with Mould, Dung, Compost, or Manure, employed in Husbandry, for the manuring, improving, or stocking, of Land; or for the Corn or Grist carrying to or from any Mill; or for any Horses or Cattle returning unladen, after having carried any such Corn or Grist, such Corn or Grain being for his or her own private Use only, and not for Sale, in any of the said Places; nor for any Horses or Cattle going to, or returning from, Plough, Pasture, or Watering-places; nor for the Horses of Soldiers upon their March, nor for Carriages attending them; nor for any Horse or Carriage having the publick Mail or Packet; nor for Horses or Carriages travelling with Vagrants

sent by Passes: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled thereto, such Person shall forfeit and pay the Sum of Twenty Shillings. Penalty of making illegal Claims.

Provided also, That no Toll shall be taken at any Turnpike to be erected by virtue of this Act, on the Side of any Part of the said Road hereby directed to be repaired, for any Horse or other Cattle, Coach, Chariot, Chaise, Waggon, or other Carriage, which shall cross the said Road only. No Toll for crossing the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, at any Meeting, compound or agree for any Time not exceeding One Year, with any Person using to travel the said Road with any Coach or other Carriage, or any Horse or other Cattle, for such Sum of Money, to be paid in such Manner as the said Trustees, or any Seven or more of them, shall think reasonable and proper. Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to farm lett the Tolls to be collected and recovered by virtue of this Act, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, upon Twenty Days Notice in Writing to be fixed on all the Turnpikes to be erected by virtue of this Act, for the best Rent, Income, and Advantage, they can get for such Tolls, to be payable to the said Trustees, or to such other Person or Persons as any Seven or more of them shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained as the said Trustees, or any Seven or more of them, shall think proper and requisite: And which said Rent or Income, to be paid by virtue of such Leases as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever. Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, to borrow such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and, by Writing under their Hands and Seals, to assign Tolls may be assigned for Money borrowed.

over

over or mortgage the said Tolls, and the yearly or other Income of such Tolls, or any Part thereof (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such respective Tolls, and yearly and other Income) for any Time or Times, during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money as shall be borrowed, to the Person or Persons, and his, her, and their Trustees, who shall advance and lend the same, with Interest; but no Money shall be borrowed by the said Trustees on the Credit of the said Tolls, or yearly or other Income hereby granted, after any Turnpike or Turnpikes shall be erected by virtue of this Act, unless Notice in Writing be for that Purpose affixed upon all the Turnpikes erected by virtue of this Act, Twenty Days before the borrowing of such Money.

Notice to be given of borrowing Money.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit of the said Tolls, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by Assignment to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties Names, and Sum of Money therein mentioned to be transferred, in a Book to be kept for that Purpose, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign as aforesaid, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such

Entries to be made of all Assignments.

Clerk's Fee.

such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Trustees may vary 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, to separate, divide and apportion the Tolls hereby granted and made payable, into so many Shares and Proportions, as to such Trustees, or any Seven or more of them, shall seem meet and expedient; and such Parts of the said respective Tolls shall be taken and received at so many of the said Turnpikes, as by such Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Trustees, with Consent of Creditors, 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, by and with the Consent of Two Thirds of the respective Mortgagees and Lessees of such Tolls, in Writing, first had and obtained at a general Meeting for that Purpose (whereof Fourteen Days publick Notice in Writing shall be affixed upon all the said Turnpikes) from time to time, as they shall deem expedient, to vary all or any of the Tolls hereby granted and made payable, by lessening, reducing, or, after any such Reduction, advancing and augmenting the same, so as not to exceed the Sums hereby granted; and that the Tolls, so lessened and reduced, or again augmented and advanced, shall and may be collected, levied, and applied, in such Manner, and applied to such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

and raise them again.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Money arising from the Tolls, to be collected by virtue and in pursuance of this Act, or that shall be borrowed on the Credit thereof, shall, by the said Trustees, or any Seven or more of them, be applied and disposed of, first, for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act, and afterwards for and towards Payment for the several Lands, Grounds, Buildings, Tenements, and Hereditaments, to be purchased by virtue of this Act, for and upon Account of widening, diverting, changing, or altering, the said Road, and for the planning, measuring, and setting out of, the said Road, and erecting the Turnpikes and Toll-houses thereon, or on the Sides thereof; and for and towards the making, widening, diverting, changing, altering, repairing, and keeping in Repair, the said Road, and in discharging

the Money borrowed by virtue of this Act, with the Interest thereof, and all the other necessary Charges attending the making, widening, diverting, changing, altering, repairing, and keeping in Repair, the said Road, and the executing this Act, so far as the same relates to the said Road, and to no other Use, Intent, or Purpose, whatsoever.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall in their Judgement think it much more easy, safe, and commodious, for the Passage of Horses and Carriages, to divert, turn, change, or alter, the Course of the said Road, or any Part or Parts thereof, over and through any Lands and Grounds, being the private Property of any Person or Persons, then, and in such Case, the said Trustees, or any Seven or more of them, are hereby authorized and impowered to contract for, and purchase, any Lands, Grounds, Tenements, or Hereditaments, situate in, upon, or near, the said Road, being the private Property of any Person or Persons, which they, or any Seven or more of them, shall think necessary to be purchased, in order to the amending, repairing, diverting, changing, altering, or widening, the said Road, and to accept a Conveyance of such Lands, Grounds, Tenements, and Hereditaments, in Fee to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint, in Trust for such Trustees and their Successors, to the Intent such Lands, Grounds, Tenements, and Hereditaments, so to be purchased, shall and may be made Use of and converted into, and be made Part of the said Road, in such Manner as the said Trustees, or any Seven or more of them, shall think convenient and proper; and the said Lands and Grounds so to be converted into and made Part of the said Road, shall be sufficiently ditched and fenced out for that Purpose, and from time to time repaired out of the Money arising by virtue of this Act, by such Person or Persons as such Trustees, or any Five or more of them, shall order, direct, or appoint; and the said former Road shall and may be sold by such Trustees, or any Seven or more of them, except the same leads to or communicates with some other Town or Place, and the Money thereby arising, applied for repairing and amending the Road intended by this Act to be repaired.

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

and kept in Repair as such.

Old Road may be sold.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert, Feoffees or Lessees in Trust, or others, are or may be seised or possessed of Lands, Grounds, Tene-

Tenements, or Hereditaments, which by the said Trustees, shall be thought necessary and proper to be purchased for widening the said Road, or for altering the Course of the said Road; and such Persons, Bodies Politick, Corporate, or Collegiate, Infants, Femes Covert, Feoffees, or Lessees, may be willing to treat or agree for the Sale of such Lands, Grounds, Tenements, or Hereditaments, but are or may be incapable of selling, granting, or conveying the same, by reason of Infancy or other Disabilities; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Femes Covert, or others, and for all and every other Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, and Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Sale or Alienation of the same, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding; and all Feoffees or Lessees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, or other Persons, shall and may be, and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

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

And it is hereby further enacted by the Authority aforesaid, That if it shall happen that any of the Owners or Occupiers, Bodies Politick, or Corporate, or Collegiate, or any other Person or Persons interested in the said Lands or Grounds, directed or intended to be purchased by virtue of or under the Authority of this Act, upon Notice to them given, or left in Writing at the Dwelling-house or Dwelling-houses, Place or Places of Abode of such Person or Persons, or of the Chief Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant of the Lands or Grounds, so to be made Part of the said Road as aforesaid, shall, by the Space of Two Calendar Months next after such Notice given or left as aforesaid, neglect

Owners neglecting to treat, &c.

or

or refuse to treat, or shall not agree for the Sale of the same, or any of them respectively as aforesaid, or by reason of Absence, shall be prevented from treating; then, in every or any such Case, the said Trustees, or any Five or more, are hereby impowered to issue their Warrant or Warrants, Precept or Precepts, to the Sheriff of the County where such Lands and Premisses shall lie, thereby requiring him to impanel and return a Jury of Twenty four substantial disinterested Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return Twenty four substantial disinterested Men of the said County, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and out of the Persons so impanelled and returned, or out of so many of them as shall appear according to or upon the said Summons, the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace, for the Riding or Division where such Lands and Premisses shall lie, shall swear or cause to be sworn Twelve, and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and disinterested Men of the Standers-by, or who can speedily be procured, to attend that Service, so as to make up the Number Twelve; and the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons, whom it shall be thought proper and necessary to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Five or more of such Trustees are hereby directed and impowered to administer) and they shall also order and call the said Jury to view the said Places in Question, if there shall be Occasion, and use all such other lawful Ways and Means, as well for their own as for the said Jury's better Information of the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and the said Juries shall thereupon enquire what Damage will be sustained by, and what Recompence and Satisfaction ought to be made

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

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

Jury to settle the Damage and Recompence.

made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on account of the taking or converting the same Lands or Grounds into the said Road, and shall assess and award the Sum or Sums to be paid to every such Person or Persons accordingly; and such Trustees, or any Five or more of them, shall and may give Judgement for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively, and shall thereupon order the same to be paid to the Owners or Proprietors of, or other Persons interested in, the said Lands or Grounds, according to such Verdict or Inquisition of the said Judgement and Determination; which said Verdict or Inquisition, and the said Judgement or Determination, so had and made, shall, after Tender of the Sum or Sums of Money so assessed and ordered as aforesaid, or the same being left in the Hands of the Clerk of the Peace for the said Riding, be final, binding, and conclusive, without any Appeal therefrom, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons any wise interested in such Lands or Grounds, shall thereby from thenceforth, to all Intents and Purposes, be absolutely divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same, and the same shall thenceforth no longer remain or be deemed as private Property, but be converted into, and remain and be used as, Part of the publick Highway or Road for ever.

Verdict of the Jury to be binding and conclusive.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, or on any of the Persons that shall be summoned and returned on such Jury or Juries, who shall not appear, or refuse to be sworn on the said Jury or Juries, or being so sworn, shall refuse or neglect to give his or their Verdict concerning the same, or in any other Manner shall wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act; and upon any Person or Persons,

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

who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear in order to be examined, or give Evidence touching the same; and all such Fines shall be recovered in such Manner as any Penalty by this Act inflicted is directed to be recovered, so as no such Fine exceed the Sum of Five Pounds on any One Person for One Offence.

Fine not to exceed 5 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every Sum or Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, or ascertained and assessed as aforesaid, shall be and are hereby charged and chargeable upon all the Tolls and Monies which shall be raised, received, and borrowed, by virtue of, and for the Purposes of this present Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto; and in case such Person or Persons shall neglect or refuse to accept the same, then the same shall and may be left in the Hands of the Clerk of the Peace for the said Riding, for the Use of the Persons intitled thereto, and to be by him paid upon Demand to such Person or Persons, according to his, her, or their Appointments; and in case, after Ten Days Notice thereof given to such Person or Persons, or left in Writing at the House or Houses of the Tenant or Tenants in Possession of the Premisses, he, she, or they, shall still neglect or refuse to accept the same, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Clerks, Men, and Agents, to take the said Lands and Grounds into the said Road, or to change or alter the Course of the said Road, by turning the same over any Lands and Grounds, and also to ditch and fence off the same, in such Manner as the said Trustees, or any Five or more of them, shall think fit; and the said Lands and Grounds so to be taken into the said Road shall, to all Intents and Purposes, from thenceforth become, and be deemed and taken to be, a Publick Highway.

Lands, &c. purchased to be made Part of the Roads, and effected a publick Highway.

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, Nursery for Trees, or Avenue to any House, without the Consent of the Owner or Proprietor thereof; any thing herein contained 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, purchasing, or ascertaining, the Value of any Lands, or Grounds,

Grounds, Buildings, Tenements, or Hereditaments, where he shall be concerned in Interest.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may elect or appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of the Tolls; and also a Surveyor or Surveyors to view the Condition of the Road, and to see that the same be effectually made and repaired; and such Clerk, Treasurer, Receiver, Collector, and Surveyor, or any of them, from time to time, to remove, as and when the said Trustees, or any Seven or more of them, shall see Occasion; and in case of such Removal, or Death of any such Officer, to appoint another in the Stead of the Party deceased or removed; and out of the Money arising by virtue of this Act, the said Trustees, or any Seven or more of them, shall and may make such Allowances to the said respective Officers for their Care and Pains, and also to such other Persons who shall have been assisting in and about diverting, changing, altering, widening, and repairing, the said Road, as to the said Trustees shall seem reasonable: And such Surveyor or Surveyors, and also the said Receiver or Receivers, Collector or Collectors, and every of them, shall, at any Meeting of the said Trustees (if thereunto required by any Five or more of them) deliver in upon Oath (which Oath any Two or more of the said Trustees are hereby impowered to administer) a true, exact, and perfect Account, in Writing under their respective Hands, of all Monies which he and they, and every of them, shall have respectively received and disbursed by virtue of this Act, on account of his or their respective Offices; and in case the said Surveyors, Receivers, and Collectors, or any of them, shall not make such Account, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any Seven or more of them, shall, by Writing under their Hands, impower to receive the same, that then, and in either of the said Cases, any Two or more Justices of the Peace, at any Special Sessions or other Meeting of them to be held for the Riding, Division, or Place, in which the said respective Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, shall reside, shall make Enquiry of and concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses on Oath (which Oath the said Justices are hereby required and impowered

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender, till Payment or Composition made.

ered to administer without Fee or Reward) and if any Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the Place where the Offence shall be committed, there to remain without Bail or Mainprize until he shall have made a true and perfect Account and Payment, or shall have compounded for the same, and paid such Composition, which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Treasurer to give Security.

Provided always, and be it enacted by the Authority aforesaid, That the Treasurer or Treasurers, Receiver or Receivers, to be appointed as aforesaid, shall, before he or they enter upon the said Office, give such Security for the due Execution thereof, as to the said Trustees, or any Seven or more of them, shall seem meet.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from time to time, such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent any Obstruction or Obstructions, and all Annoyances and Inconveniences, by Filth, Dung, Ashes, Rubbish, or otherwise, to any Part of the said Road, and to turn any Watercourses, Sinks, or Drains, laid upon, or running into or along any Part of the said Road, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Ditches or Watercourses adjoining to the said Road, and to make the same as deep and large as he and they shall think necessary; and also to cut down, lop, or top, any Trees, except Timber Trees, and also any Branches or Bushes growing on the said Road, or on the Banks or Hedges adjoining thereto (the Owners or Occupiers of the Premisses where such Obstructions or Annoyances as aforesaid shall happen to be, or the Persons causing the same, neglecting to remove them, or to open, scour, or cleanse, such Ditches or Watercourses, or to cut down, lop, or top, such Trees, Branches, or Bushes, for the Space of Fourteen Days after Notice in Writing for that Purpose, under the Hand of the said Surveyor); and that the Charges of removing such Obstructions or Annoyances, and opening, scouring, and cleansing, such Ditches or Watercourses, and cutting down, lopping, or topping, and removing, such Trees, Branches, or Bushes, as aforesaid, shall, upon Demand, be reimbursed to the said Surveyor, by such Owners and Occupiers, or Persons causing such Obstructions or Annoyances;

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

ances; and such Charges shall be recovered by Distress and Sale of the Goods and Chattles of such Owner and Occupier, or Person causing such Obstructions as aforesaid, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the said Riding; and if, after Removal of any such Obstruction or Obstructions, or Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted on his or their Confession, or upon the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said Riding (which Oath the said Justice and Justices is and are hereby impowered to administer) shall, for every such Offence, over and above the Charges of removing such Obstruction or Obstructions, or Annoyances, forfeit and pay the Sum of Twenty Shillings.

Charges to be levied by Distress and Sale.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them, to make, or cause to be made, a Causeway or Causeways for the Use of Foot Passengers, along any Part of the said Road, in such Manner as they shall see convenient, and to cut and make Drains through any Grounds lying contiguous thereto; and to erect and keep in Repair Arches of Brick, Timber, or Stone, over the same; and also to cause Ditches or Trenches to be made in such Places and Manner as the said Trustees, or any Five or more of them, shall adjudge necessary for the better making and keeping the said Road in good Repair; and that such reasonable Satisfaction shall be made to the Owners or Occupiers of such Grounds, through which such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be placed, for the Damages which the Owners or Occupiers shall thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Session of the Peace to be holden for the said Riding, in case any Difference shall arise concerning the same.

Surveyors to make Causeways, cut Drains, &c.

erect Bridges,

making Satisfaction to the Owners of the Ground.

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 respectively appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand,

Surveyors may dig Gravel, &c. in Waste Grounds,

Sand, Stones, or other Materials, out of any River, or Brook, or Waste, or Common Grounds, in any Parish, Township, Village, Hamlet, or Place, in or near which any Part of the said Road doth or shall lie, for the making and repairing thereof; and for want of a sufficient Quantity of such Materials there, to dig, gather, and carry away, the same, out of any River or Brook, Waste or Common Grounds, of or in any neighbouring Parish, Township, Village, Hamlet, or Place, without paying any thing for such Materials; and may also carry the same Materials through any Field, Meadow, or private Way, making such reasonable Satisfaction to the Owners or Occupiers for the Damage done, as the said Trustees, or any Seven or more of them, shall judge reasonable: Or in case it shall be judged more expedient by the said Trustees, or any Seven or more of them, it shall and may be lawful for their Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of the said Trustees, or any Seven or more of them, to dig, gather, and take away, in and from the Grounds of any Person or Persons, (not being the Ground where any House or Building stands, nor any Yard, Garden, Orchard, Park, Paddock, Nursery, Planted Walk, or Avenue to a House, or any Plantation set apart or used as a Nursery for Trees) where any such Materials may be found; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground, where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as such Trustees, or any Seven or more of them, shall judge reasonable.

without paying for the same.

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

making Satisfaction to the Owners.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall, at any Time, during the Continuance of this Act, load, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor, acting as aforesaid, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made and opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued

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

getting

getting any such Materials thereout, or working therein, for the Space of Forty Days, (other than and except the Owner or Occupier of such private Ground, for his own private Use only) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said Riding, shall, for every such Offence, forfeit and pay unto the said Trustees, any Sum not exceeding the Sum of Forty Shillings, to be levied in Manner hereafter mentioned.

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and such Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark and denote the Distance of any Town or Place from or to any other Town or Place, as to such Trustees shall seem meet; and if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway, which shall be made on the Side of the said Road, and shall be convicted thereof by the Confession of the Party, or on Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Riding, every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered 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 such Justice or Justices respectively, before whom such Conviction shall be made, such Forfeitures to be applied for the Purposes of this Act; and in case the Person or Persons, so offending and convicted, shall have no Goods and Chattles, whereon sufficient Distress can be made, then it shall and may be lawful to and for such Justice or Justices respectively, by Warrant under their Hands and Seals, or his Hand and Seal, to commit such Person or Persons to the House of Correction of the said Riding, for the Space of One Calendar Month to be computed from the Day

Penalty on defacing Mile-stones, &c.

of such Commitment, and the Person or Persons offending and convicted, shall not be discharged till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said One Month.

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

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways for the time being, for all and every the Townships and Places in which the said Road, intended to be repaired by this present Act, doth lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand to him or them made in Writing, by the Surveyor or Surveyors to be appointed by virtue hereof, deliver to such Surveyor or Surveyors an exact List or Account in Writing, under his or their Hands, of the Names of all and every Person and Persons in the said respective Townships or Places, who are by Law chargeable towards repairing the Roads in any of the said Townships or Places; and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said Surveyor or Surveyors for the said Towns or Places respectively shall, within Ten Days after Notice given to him or them by such respective Surveyor or Surveyors to be chosen by virtue hereof, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Day's Work in or upon any Part or Parts of the said Road hereby directed to be repaired, the said Surveyor or Surveyors of the said Towns or Places respectively shall summon or give publick Notice thereof to the said Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors for the said Towns or Places aforesaid, shall neglect or refuse to do or perform his Duty herein, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to do and perform his or their respective Statute-work on the said Road, he, she, or they, so neglecting or refusing, shall respectively pay the Sum of Ten Shillings for each of the said Days such Person or Persons shall make Default; and if any Labourer, or other Person or Persons so chargeable towards repairing the said Road, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform his or their Statute-work on the said Road, he, she, or they shall

Penalty on Surveyors neglecting to deliver Lists,

and on Persons not performing Statute-work.

shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the Days such Labourer or other Person or Persons shall make such Default; and if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors respectively, where the Work is to be done, in such Case such Turnpike Surveyor may and is hereby impowered and required to remove and discharge him or them who shall be found idle or negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come to work, and such Labourer or Labourers, and the Owner or Owners of such Team, Draught, or Cart respectively, shall be subject and liable to the respective Forfeitures and Payments aforesaid, in such Manner as if he, she, or they had neglected or refused to do or perform his, her, or their respective Statute-work, so ordered and appointed as aforesaid.

Persons doing One Day's Statute-work in each Year, exempted from any other.

Provided always, That all and every Person or Persons, now liable, and who, during the Continuance of this Act, shall be liable to do Statute-work on the said Road hereby intended to be repaired, on his or their doing One Day's Work in each Year, in manner herein before directed and prescribed, shall be, and is and are hereby exempted from doing or performing any more or other Statute-work in each Year on the said Road; any thing herein contained to the contrary notwithstanding.

Inhabitants of *Batley* not liable to do more than 1 Day's Statute-work in every Two Years.

Provided always, and be it further enacted by the Authority aforesaid, That the Inhabitants of the Township of Batley, shall not be obliged or liable to do more than One Day of such Statute-work in every Two Years upon the said Road; any thing herein contained to the contrary thereof notwithstanding.

Persons liable to repair Bridges, &c. to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporate, Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they or any of them respectively have been accustomed, or of Right ought to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by any ancient

tient Usage, Custom, Law, or otherwise, except as is herein before specially provided; but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from time to time, and at all Times hereafter, be maintained, amended, and kept in Repair, by such County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporate, Aggregate, or Sole, or private Person or Persons, as heretofore the same respectively have been, or ought of Right, or by any antient Usage, Custom, Law, or otherwise, except as is herein before specially provided, to have been amended, maintained, and kept in Repair; any thing herein contained to the contrary notwithstanding.

Trustees may compound for statute-work.

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, at any Time during the Continuance of this Act, at any of their publick Meetings, to compound and agree with any County, Riding, Division, Hundred, Wapentake, Liberty, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons, liable to perform Statute-work, or chargeable with the Repair or Maintenance of any Part of the said Road, or of any Bridge, Causeway, Drain, or Sewer, lying within the said Road to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or any antient Usage, Custom, or Law, or otherwise, or with the Surveyor or Surveyors of the Highways of any of the Townships or Places to which the said Road belongs, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to or chargeable with the Repair of any Part of the said Road, or to perform Statute-work thereon, by virtue of any Statute or otherwise, for a Sum of Money certain, to be paid by the Year or otherwise, in lieu of such Work or Repairs to which they shall be liable or chargeable, by reason of such their Tenure, or by virtue of any Custom, antient Usage, Law, or otherwise whatsoever; and that all Compositions and Agreements to be made by virtue of this Act, shall be entered at Length in the Book or Books to be kept by the said Trustees, or their Clerk or Clerks, for entering their Orders and other Proceedings.

Composition-money how to be recovered.

And, for the better Recovery of such Sum or Sums of Money, as shall be agreed to be paid by any Person or Persons, for or in lieu of the said Statute or other

Work,

Work, or for passing through all or any of the said Turnpikes; be it enacted by the Authority aforesaid, That in case any Composition so agreed to be paid, shall not be paid to the said Trustees, or any Five or more of them, or to such Person or Persons, as they, or any Five or more of them, shall appoint to receive the same, within Ten Days after the same shall be demanded, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said Riding, and he or they are hereby respectively authorized and required, upon Complaint made to him or them by the said Trustees, or any Two or more of them, or by their Surveyor or Surveyors for the time being, upon Oath made before any One or more of them, of such Default of Payment (which Oath any One or more Justice or Justices is and are hereby impowered to administer) to issue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering such Person or Persons as the said Trustees, or any Five or more of them, shall have appointed to receive such Composition-money, to recover the same by Distress and Sale of the Goods and Chatties of such Person and Persons as hath or have, or shall make such Composition for passing through all or any of the said Turnpikes as aforesaid, or of any Person or Persons who shall compound for or in respect of the said Statute-work, or of the Surveyor or Surveyors of the Highways for the time being, or of the Overseer of the Poor, in case there shall be no Surveyor of the Highways of such Township or Hamlet, for or in respect of which such Composition was made, or of the Person or Persons so having compounded for such Repairs, to be done by reason of Tenure, Usage, or Custom; and the Goods and Chatties so distrained, after the Space of Five Days, such Composition, and the reasonable Charges of distraining and keeping the said Goods and Chattles not being paid, to sell, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after such Composition-money, and the reasonable Charges to be settled by the said Justice or Justices, of distraining, keeping, and selling, shall be deducted, which Money so paid or levied, shall go and be applied towards amending the said Road, and to no other Use or Purpose whatsoever.

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

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Surveyor of the Highways, or Overseer of the Poor, of any such Parish, Township, Hamlet, or Place, for or in respect whereof such Composition shall be made as aforesaid, shall pay

the Composition-money, or if such Composition-money shall be levied on him, in Manner herein before directed, then, and in either of the said Cases, such Surveyor or Overseer respectively shall be reimbursed the Composition-money so paid by or recovered of him as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways.

Money allowed for Repair of the Road, to be laid out for that Purpose.

And be it further enacted by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given to any Person or Persons whatsoever, for and towards the repairing and amending the said Road, or any Part thereof, shall pay the Rents, Issues, and Profits, of the said Messuages, Lands, and Tenements, and of the said Rents and Annuities so given for repairing the same, to the said Trustees, or any Five or more of them, or their Treasurer for the time being, to be by them laid out and expended in repairing such Part of the said Road for which the same were originally given; and to that End the said Trustees, or any Five or more of them, or their Treasurer for the time being, is hereby impowered to accept and receive of and from such Grantees, Trustees, Feoffees and Committees, such Rents and Profits and Money as aforesaid, and to give Receipts and Acquittances for the same.

Trustees may make a temporary Road.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be chosen by virtue of this Act, by Order of the said Trustees, or any Seven or more of them, to make or cause to be made a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired, diverted, changed, or widened (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Park, or planted Walk, or Avenue to any House, or a Piece or Parcel of inclosed Ground planted or set apart for Trees) to be made use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a Publick Highway, whilst the other Road is repairing, and until it shall be convenient and safe for Passengers and Carriages to travel along the Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, for the Damages such Owners or Occupiers severally shall or may sustain thereby,

thereby, as shall be adjudged by the said Trustees, or any Seven or more of them; and in case any Difference shall happen concerning such Damages, that it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions to be holden for the Riding aforesaid, to hear, settle, adjudge, and finally determine the same.

Penalty on hauling Timber otherwise than upon 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, in, upon, or along, any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may contract for repairing the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby impowered, by any Writing or Writings under their Hands and Seals, without any Stamp Duty thereupon, to contract with any Person or Persons for the repairing, amending, and widening, the said Road, or any Part thereof, and also for the erecting and setting up Mile-stones or Posts, in, upon, or on the Sides of the said Road, or any Part thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Seven or more of them, and such Person or Persons so contracting with the said Trustees, or any Seven or more of them.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament, for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of such Roads, and whether (as such Trustees, and those acting under them, do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts: For obviating the same, be it further enacted and declared by the Authority aforesaid, That all Contracts in Writing, entered into pursuant to an Order at any Meeting, made by the Trustees hereby appointed, or hereafter to be appointed, or any Five or more of them respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workman, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits, in the Names

Persons not performing Contracts may be sued.

of the said Trustees, or any Five or more of them, or in the Name of their Clerk, Treasurer, or other Officer, may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money, requisite for putting the said Road into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, making Default in fulfilling his said Contract; any Law or Usage to the contrary notwithstanding.

Time and Place of Trustees Meeting.

And be it enacted by the Authority aforesaid, That the said Trustees shall meet at the Sign of the Three Nuns, at Nunbrook aforesaid, on Wednesday the Twelfth Day of June, One thousand seven hundred and fifty five, and shall then proceed to the Execution of this Act, and afterwards adjourn themselves from time to time, and meet there, or at such other Place or Places near the said Road, as they the said Trustees, or any Three 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 Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk to the said Trustees shall, by Notice in Writing, to be fixed on all the Turnpikes, at least Ten Days before, appoint the said Trustees to meet at the House where their last Meeting was so appointed to be held, upon that Day Three Weeks; and that all the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Trustees not to act but at a publick Meeting.

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any of them, shall not be impowered to do any Act in Execution of the Powers hereby granted, otherwise than at a Meeting held in pursuance of this Act.

On Death, or Removal of Trustees, others to be

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, refuse to act, or be disqualified, it shall and may be lawful for the surviving Trustees, or any Seven or more of them, by Writing under their Hands and Seals, from time to time, to elect and appoint another fit and able Person, living within the County of York, instead of such Trustee deceased or refusing to act; and every such Person so elected, shall be joined with such Trustees, appointed to put this present Act in Execution, and is hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person had been particularly named in and appointed

pointed a Trustee by virtue of this Act; but Notice in Writing, of the Time and Place of such Election, shall be affixed on all the Turnpikes, signed by the Clerk, at least Ten Days before such Election. 10 Days Notice of Election to be given.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of acting therein he shall have or be seised of, in his own Right, or in the Right of his Wife, and in the actual Possession and Enjoyment, or Receipt of the Rents, Issues, and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Person possessed of an Estate in Land of the yearly Value of Two hundred Pounds above Reprizes, or possessed or intitled to a Personal Estate, to the Amount of Three thousand Pounds; and if any Person or Persons, not so qualified as aforesaid, or declared to be incapable to act in the Trust aforesaid, shall in any wise act as a Trustee in the Execution of this present Act, every such Person, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act. Qualification of Trustees. Penalty on acting if not qualified.

Provided always, and be it enacted by the Authority aforesaid, That no Trustee shall have or enjoy any Place of Profit arising out of or by reason of the Tolls hereby granted; but shall be incapable of acting as a Trustee during his Enjoyment thereof. No Trustee to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That such Trustees as or shall be in the Commission of the Peace for the said Riding, shall and may nevertheless act as Justices of the Peace within his and their Jurisdiction, for putting in Execution the several Powers and Authorities hereby granted. Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities of this present Act, or any of them, shall be revoked, repealed, or set aside, No Order to be repealed unless Nine Trustees are present.

by

by any subsequent Order of such Trustees, unless Nine or more Trustees shall be present at the Time of repealing of such Order.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and being then signed by their Clerk or Clerks, by Order of the said Trustees, or any Three or more of them, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of the said Trustees; which said Book or Books shall and may be produced and read in Evidence in all Cases of Appeals, and in any Suit or Action touching any thing done in pursuance of this Act.

Books may be read in Evidence.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby vested in such Trustee, or Justices of the Peace, or any of them, 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 all the Powers hereby granted shall take Place and have Continuance from and after the First Day of June, One thousand seven hundred and sixty five, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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 imposed, touching which no other Provision is herein made and directed, shall be recovered by Distress and Sale of the Goods and Chatties of the Offenders, by Warrant or Warrants under the Hand and Seal of One or more Justice or Justices of the Peace for the said Riding or Place where such Offenders shall respectively reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, shall go and be applied, (if not otherwise directed to be applied by this Act) in repairing the said Roads and the Overplus (if any be) shall

shall be, upon Demand, returned to the Party or Parties whose Goods and Chattles shall have been so distrained and sold (the Charges of such Distress and Sale, and other Proceedings against the said Party, being first deducted.)

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That in case any Person shall think himself aggrieved by any Thing to be done in pursuance of this Act (except where any Determination made by virtue of this Act is directed to be final) it shall and may be lawful to and for such Person to appeal to the Justices of the Peace for the Riding, Division, or Place, where such Grievance shall happen, at their General Quarter Sessions, which shall be held next after such Grievance (unless such Grievance shall happen within Ten Days preceding such next General Quarter Sessions, in which Case such Appeal shall be brought at the Second General Quarter Sessions next after the same shall have happened) who are hereby authorized and required to hear and determine the same; and if they see Cause, by Order of such Sessions, to mitigate at their Discretion all or any of the Penalties aforesaid, or vacate or set aside the said Conviction or Convictions, on Consideration of the Merits, and set the Parties at Liberty, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes whatsoever.

Ten Days Notice of Appeal to be given.

Provided always, That such Person so appealing shall give Notice in Writing of such his or her Intention, to the Clerk to the said Trustees, Ten Days at least before the said Quarter Sessions; and shall, within Four Days after such Notice given, and before any Appeal shall be allowed, enter into a Recognizance before some Justice of the Peace for the Riding, Division, or Place, wherein such Grievance shall happen, with Two sufficient Sureties, conditioned to try such Appeal at the next General Quarter Sessions to be held for such Riding, Division, or Place, next after such Notice, and to pay such Costs and Charges as the said Justices shall award, in case such Appeal shall be disallowed.

Conviction to be drawn up in the following Form.

And, for the more easy and speedy 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,

pen, 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 Fifth Year of the Reign of His Majesty King *George* the Third, for amending and widening the Road from the Sign of the *Coach and Horses* at *Birstall*, to the Turnpike Road at *Nunbrook*, and from *Bradley Lane* to the Town of *Huddersfield*, in the West Riding of the County of *York*, *(specifying the Offence, and Time and Place when and where the same was committed)*. Given under Hand and Seal the Day and Year aforesaid.

Proceedings not to be quashed for want of Form;

Which said Form and Conviction, or any of the Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, or Order made touching any of the Matters aforesaid by virtue 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.

nor removeable by *Certiorari*.

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

And be it further enacted by the Authority aforesaid, That no Person who shall sell Ale, Wine, or Spirituous Liquors, by Retail, shall be capable of holding any Place of Profit under this Act.

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 shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser, on account of any Default or Want of Form in the Summons, Conviction, 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, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Limitation of Actions.

Provided always, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Thirty Days Notice shall be thereof given to the Clerk or Clerks of the said Road, 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 shall be laid in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants in every such Action and Suit shall and may plead the General Issue; Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Thirty 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 Riding or Place than where the Fact was committed, 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, 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 and may recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. General Issue. Treble Costs.

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

FINIS.