Anno ſeptimo

Georgii III. Regis.

An Act for enlarging the Term and Powers of an Act made in the Fourteenth Year of the Reign of His late Majeſty, intituled, *An Act for repairing the Road from* Doncaſter, *through the Pariſh of* Peniſton, *in the County of* York, *to* Salter's Brook, *in the County of* Cheſter; *and alſo the Road from* Rotherham, *in the ſaid County of* York, *to* Hartcliffe Hill, *in the ſaid Pariſh of* Peniſton; and for making the ſaid Act more effectual, ſo far as the ſame relates to the ſaid Road between *Rotherham* and *Hartcliffe Hill.*

WHEREAS by an Act made and paſſed in the Fourteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing the Road from *Doncaſter*, through the Pariſh of *Peniſton*, in the County of *York*, to *Salter's Brook*, in the County of *Cheſter*; and alſo the Road from *Rotherham*, in the ſaid County of *York*, to *Hartcliffe Hill*, in the ſaid Pariſh of *Peniſton*; divers Tolls and Duties were given and granted to, and veſted in, certain Truſtees therein named, for repairing the Road from Doncaſter to Salter's Brook, and divers other ſeparate and diſtinct Tolls and Duties were

Preamble, reciting Act 14 *Geo.* II.

were granted to, and vested in, other different Trustees therein also named, for repairing the said Road from Rotherham to Hartcliffe Hill aforesaid; and several Powers, Authorities, Rules, and Directions, were thereby given, granted, appointed, and prescribed, to and for the said several Trustees, for enabling them respectively to put the said Act in Execution; and the said Tolls, Duties, Powers, and Authorities, were thereby directed to take place, and have Continuance from the Twelfth Day of May, One thousand seven hundred and forty one, for and during the Term of Twenty one Years; but the same are, by virtue of an Act made in the Twenty eighth Year of the Reign of His said Majesty, directed to be continued, and to be in full Force for Five Years longer: And whereas the Trustees, by the said Act appointed for repairing the Road from Rotherham to Hartcliffe Hill aforesaid, have borrowed and taken up at Interest several Sums of Money upon the Credit and in pursuance, and for the Purposes, of the said Act, amounting to the Sum of One thousand Pounds, which is still owing and cannot be repaid, and the Road kept in good Repair, unless the Tolls are increased, and the Term and Powers of the said Act are enlarged and made more effectual: 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 so much of the said recited Act as relates to the Road from Rotherham, in the County of York, to Hartcliffe Hill, in the said Parish of Penistone, and also this present Act, and all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, therein and herein contained, except so much thereof as is hereby altered, varied, or repealed, shall be, and the same are hereby declared to be, in full Force and Effect; and shall be put in Execution for the Purposes of the said recited Act, and of this present Act, from the Expiration of the Term of the said recited Act, and also of the additional Term granted by the said Act made in the Twenty eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*; for and during the further Term of Twenty-one Years,

Former Act further continued.

Years, and from thence to the End of the then next Session of Parliament, as effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and the additional Term hereby granted, shall be subject and liable to the Payment of the Monies which are or shall be borrowed on the Credit of the said former Act, or of this present Act.

Additional Trustees.

And, for the more easy and speedy Execution of the said Act, be it further enacted by the Authority aforesaid, That Thomas Aikham, Bryan Allott Clerk, Godfrey Bosville, William Bosville, John Beckett, John Beckett junior, Edward Bellamy, Samuel Buck, William Brooke, Thomas Beaumont, William Battie, Thomas Bright Clerk, John Carver Clerk, John Cockshutt, Matthew Charlton, John Charlton, Sampson Cadman, William Crooks, Cripps, Thomas Cockshutt Clerk, Joseph Clay, William Cavliel, John Deykin, Francis Donner, George Dunstan, Jeremiah Dixon Clerk, Francis Edmunds, William Elmhirst, William Fenton, William Fenton junior, Savile Finch, Francis Moore Foljambe, Obed Foljambe, John Foljambe, Richard Fenton, William Greaves, John Griffith Clerk, William Green, Francis Haigh Clerk, William Harrison Clerk, William Harrison, John Hirst, Rowland Hodgson Clerk, William Hedges Clerk, Francis Hall Clerk, Joseph Hall Clerk, Henry Howard, William Jackson, Sir Matthew Lambe Baronet, William Marsden, Thomas Marsden, William Milner, Gamaliel Milner, John Mence Clerk, Randolph Marriott D.D. Richard Micklethwaite, Benjamin Micklethwaite, John Moore, Samuel Moult, Isaac Nodder, Charles Oates, Walter Osborne, John Parker, John Parker junior, John Pearson, Samuel Phipps Clerk, William Phipps, Joseph Pursglove, Edward Prince, Nathaniel Pearson, William Pashley Clerk, Thomas Parkin, Aymor Rich, Richard Rawlin, Benjamin Roebuck, William Rooke, William Rowley Clerk, John Radcliffe Clerk, William Spencer, Thomas Stead, John Stacye Clerk, Thomas Stacye, John Shepherd, John Spencer, Samuel Shore, John Shore, John Sylvester Smith, John Shirecliff, Stephen Simpson M.D. Thomas Taylor, Thomas Taylor junior, Samuel Turner, Hammond Turner, John Tyas, William Thorpe, William Thorpe junior, Francis Townend, Samuel Tooker, Sir Thomas Wentworth Baronet, John Wilson, John Wilson junior, Francis Wood, William Wood, Edmund Withers Clerk, George Walker, James Wilkinson Clerk, John Wheatley Clerk, George Westley, Matthew Waterhouse, Robert Wilson, and Robert Watson, shall be added to, and joined with, the said Trustees appointed or elected for putting

ting the said former Act in Execution, with respect to the said Road from Rotherham to Hartcliffe Hill aforesaid; and that the said Trustees hereby appointed, and the Survivors of them, together with the Trustees appointed by or in pursuance of the said former Act, shall be, and they are hereby nominated and appointed Trustees for repairing, amending, and keeping in Repair, the said Road from Rotherham to Hartcliffe Hill.

Qualification of Trustees.

Provided always, That no Person shall be capable of acting as a Trustee in the Execution of so much of the said former Act as relates to the Road from Rotherham to Hartcliffe Hill, and this present Act, unless he shall be, in his own Right, or in the Right of his Wife, seized and possessed, for Life, or some greater Estate, of the yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds above Reprizes: And if any Person or Persons, not being qualified as aforesaid, shall act as a Trustee for the Purposes aforesaid, every such Person or Persons, so offending, shall, for every such Offence, severally forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person, so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And it is hereby further enacted, That the Trustees aforesaid, or any Five or more of them, shall and may meet at the House of Jeremiah Lockwood, known by the Sign of the Red Lion in Rotherham aforesaid, on the Day Three Weeks after the passing of this Act; and shall then adjourn themselves to the same Place, or such other Place in or near the said Road, and to such Time as the Trustees then present, or any Five or more of them, shall appoint; and so, from time to time, the said Trustees, at every of their said Meetings, shall adjourn themselves, as they, or any Five or more of them present at such Meetings respectively, shall think proper for putting this Act in Execution; And if there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn to any other Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed on all the Turnpike Gates standing in and upon the said Road,

In Default of a sufficient Number to act, Clerk to give Notice of another Meeting.

Road, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where their last Meeting was appointed to be held, on that Day Fortnight after the Day on which such last Meeting of the Trustees was appointed to be held: And that the said Trustees, at their first and every other Meeting, shall defray their own Charges and Expences. Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to, take such Security from their Treasurer or Treasurers, and other Officers appointed, or to be appointed, as to the said Trustees, or any Five or more of them, shall seem proper. Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Spirituous or Fermented Liquors, shall be capable of holding any Place of Trust or Profit under this Act. No Victualler, &c. to hold any Place of Profit.

And whereas, by the said recited Act, it is enacted and declared, that if there should be Two or more Turnpikes or Toll-gates erected in, cross, or on the Side of, either of the said Roads; then, and in such Case, the Tolls and Duties, thereby severally granted and made payable, should be divided and allotted into so many equal Parts, Shares, and Proportions, as there should be Turnpikes or Tolls-bars erected on the several Roads aforesaid; and One Part thereof should be paid, taken, and received, at each and every of the said Turnpikes or Toll-bars, and not otherwise: Which Provision, so far as the same relates to the Road between Rotherham and Hartcliffe Hill, will, after the Passing of this present Act, be improper to continue; be it therefore enacted by the Authority aforesaid, That so much of the said recited Act as directs, that if there should be Two or more Turnpikes or Toll-gates erected in, cross, or on the Side of, either of the said Roads; then, and in such Case, the Tolls and Duties, thereby severally granted and made payable, should be divided and allotted into so many equal Parts, Shares, and Proportions, as there should be Turnpikes or Toll-bars erected on the several Roads aforesaid; and One Part thereof should be paid, taken, and received, at each and every of the said Turnpikes or Toll-bars, and not elsewhere; shall, so far as the same relates to the Road between Rotherham and Hartcliffe Hill, be, and the same is hereby declared to be, repealed. Recited Act, in Part repealed.

And it is hereby further enacted, That the said Trustees, at any of their Meetings to be held in pursuance

of

Trustees may erect, remove, or take down Turnpikes, &c.

of this Act, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to continue, remove, take down, erect, or set up, such Gates, Turnpikes, and Toll-houses respectively, in, across, or on the Side or Sides of, any Part of the said Road hereby directed to be repaired as aforesaid, as to them shall seem requisite and expedient for the Purposes of this Act; and that the sole Right and Property of, in, and to, all and every the Turnpikes, Toll-gates, and Toll-houses, erected, or to be erected, built, or continued, by virtue of this or the said former Act, shall be, and the same are hereby declared to be, vested in the said Trustees, and their Successors; and they, or any Five or more of them, shall and may, and they are hereby impowered to dispose thereof respectively as they shall think proper and requisite.

No Gate to be erected between *Wortley* and *Holly Lane End*.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up by virtue of the said recited Act, or of this present Act, between the Town of Wortley and Holly Lane End, in the Parish of Tankersley; any thing in the said recited Act, or in this present Act, contained to the contrary notwithstanding.

Two full Tolls may be taken in One Day between *Rotherham* and *Hartcliffe Hill*.

And whereas, by the said recited Act, it is declared and enacted, that if any Person or Persons should have Occasion to return through all or any of the Turnpikes or Toll-bars within, or on the Sides of either of the Districts aforesaid, the same Day, before Twelve of the Clock at Night, with the same Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Horse, Ass, Mule, Cattle, Waggon, Wain, Cart, or other Carriage, and producing a Note or Ticket of the Payment of the said Toll at the same Turnpike or Toll-bar the same Day, (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis) he, she, or they, shall not be liable to pay any of the Tolls or Duties to be collected at such Turnpikes, or Toll-bars, for repassing the same: And whereas it will be necessary, in order effectually to repair the District of Road between Rotherham and Hartcliffe Hill aforesaid, that Two full Tolls should be taken in One Day upon that District of Road; be it therefore enacted by the Authority aforesaid, That so much of the said recited Act as restrains the taking more than One Toll in One Day, upon the Road between Rotherham and Hartcliffe Hill aforesaid, shall be, and is hereby, repealed.

And

And whereas it is provided by the ſaid former Act, that no Toll or Duty ſhall be demanded or taken for ſuch Horſe as is or ſhall be uſed only to ride on by the Owner or Driver of any Pack-horſe, Waggon, Wain, Cart, or Carriage; which Exemption may be productive of many Frauds: Be it therefore enacted by the Authority aforeſaid, That the ſaid Exemption ſhall be, and the ſame is hereby, repealed. Recited Act in part repealed.

And it is hereby further enacted, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſeven, the ſaid Truſtees, and ſuch Perſon and Perſons as ſhall, from time to time, be by them, or any of them, authorized, impowered, and appointed, in that Behalf, ſhall and may demand, take, and receive, at all or any of the Turnpikes or Toll-gates which are or ſhall be erected by virtue of the ſaid former Act, or this preſent Act, the ſeveral Tolls and Duties following, inſtead of the Tolls and Duties granted by the ſaid former Act, before any Horſe, Beaſt, or other Cattle, Coach, Waggon, or any other Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay, New Tolls to be taken.

The Tolls.

For every Horſe, Mare, or Gelding, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe Marine, Calaſh, Hearſe, or Chair, the Sum of Four Pence Halfpenny.

For every Horſe, Mare, Gelding, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence.

And for every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny.

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

And 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.

Which ſaid Sums of Money, hereby granted and made payable, ſhall and may be demanded and taken in the Name of and as a Toll or Duty, in lieu and ſtead of the Tolls and Duties granted and made payable by the ſaid former Act; and ſhall be, and the ſame are hereby veſted in the ſaid Truſtees and their Succeſſors; and the ſaid Truſtees and their Succeſſors, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall Toll veſted in the Truſtees.

Powers of former Act extended to this.

authorize and appoint, shall and may have, use, exercise, and enjoy, such and the same Powers, Authorities, Means, and Remedies, for the levying, recovering, and receiving the Tolls and Duties hereby made payable, as in and by the said former Act are given, granted, and provided, for the levying, recovering, and receiving the Tolls and Duties thereby given and granted; and the same shall be applied for the Purpose of repairing the said Road from Rotherham to Hartcliffe Hill aforesaid; and in paying the Money now due and owing on the Credit of the said former Act, or any Money which shall or may be borrowed on the Credit of this Act, together with the Interest now due or hereafter to grow due thereon; and in defraying the necessary Purposes of carrying the said Acts into Execution, according to the true Intent and Meaning of the said former Act, and of this present Act.

No more than One Toll between *Rotherham* and *High Green*, nor from *High Green* and *Hartcliffe Hill*.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be subject or liable to the Payment of any of the Tolls hereby made payable more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horses, Cattle, Beasts, and Carriages, through all or any Turnpikes already erected, or which shall or may be erected on the said Road, or on the Sides thereof, between Rotherham aforesaid and High Green, in the Parish of Ecclesfield; nor more than Once in any One Day, to be computed as aforesaid, for passing with the same Horses, Cattle, Beasts, and Carriages, through all or any Turnpikes already erected, or which shall or may be erected on the said Road, or on the Sides thereof, from High Green aforesaid and Hartcliffe Hill aforesaid; such Person or Persons respectively producing a Ticket, denoting that the said Toll hath been paid on that Day; which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Tolls.

No Toll for only crossing the Road.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Horses, Cattle, or Carriages, which shall only cross the said Road, or shall not travel more than Two hundred Yards thereon.

No Toll to be taken till the further Sum of 1400 *l.* shall be subscribed.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded, taken, or received, by any Person or Persons, under or by Virtue or Authority of this present Act, at any Gate or Turnpike erected, or to be erected, until the Sum of

One

One thouſand four hundred Pounds, ſhall be actually ſubſcribed for repairing the ſaid Road, over and above the Sum or Sums already borrowed upon the Credit of the Tolls eſtabliſhed by the ſaid former Act; any thing herein contained to the contrary, in any wiſe notwithſtanding.

No Toll-gate to be removed except by Order of Nine of the Truſtees.

Provided always, and it is hereby enacted and declared, That no Turnpike or Toll-gate now erected, or hereafter to be erected, by virtue of the ſaid former, or in purſuance of this preſent Act, on any Part or Parts, or on the Side or Sides of the ſaid Road, ſhall at any Time be taken down, or removed to any other Place or Places on the ſaid Road, except by the Order of the ſaid Truſtees, or their Succeſſors, or any Nine or more of them, aſſembled at a Meeting to be held for that Purpoſe; and of which Meeting, previous Notice ſhall be given in Writing by their Clerk, and affixed on all the Turnpikes or Toll-gates then erected, ſtanding, and being, on the ſaid Road, at leaſt Fourteen Days before ſuch Meeting.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby impowered, from time to time, to borrow and take up at Intereſt, ſuch Sum or Sums of Money as they ſhall think requiſite and neceſſary for the Purpoſes of this Act; and by Writing under their Hands and Seals, to aſſign over the ſaid Tolls and Duties, for all or any Part of the Term of Years for which the ſame are hereby granted or made payable, as a Security for the Repayment of any Sum or Sums of Money ſo to be borrowed, unto ſuch Perſon or Perſons as ſhall advance or lend the ſame, with ſuch Intereſt as ſhall be agreed upon; and that the Coſts and Charges of every ſuch Aſſignment or Mortgage, ſhall be defrayed and paid out of the ſaid Tolls and Duties.

Notice to be given of borrowing Money.

Provided always, That no Money ſhall be borrowed by the ſaid Truſtees, on the Credit of the ſaid Tolls and Duties after their Firſt Meeting, unleſs Notice in Writing, under the Hand of their Clerk, be for that Purpoſe fixed upon all the Turnpike-gates then erected upon the ſaid Road, at leaſt Fourteen Days before the borrowing of ſuch Money.

Aſſignments may be tranſferred.

And it is hereby further enacted, That the ſaid Mortgages or Securities, or any Part thereof, or any Part or Share of the Principal and Intereſt thereby ſecured, ſhall and may, from time to time, be aſſigned, tranſferred,

ferred, and ſet over, by the Perſon or Perſons poſſeſſed of, and intitled to the ſame, for the time being, by any Writing or Writings, under his, her, or their Hand or Hands, or by Indorſement thereon, and ſuch Securities, Aſſignments, Transfers, and Indorſements, reſpectively, ſhall not, nor ſhall any of them be liable to, or charged or chargeable with, any of the Stamp Duties, but ſhall be produced and notified to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, within Two Months next after the Date of every ſuch Security, Transfer, or Aſſignment reſpectively; and ſuch Clerk or Clerks, Treaſurer or Treaſurers, ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Tranſfer, in the ſaid Book or Books, containing the Date, Parties Names, and Sums of Money therein mentioned, and thereby intended to be aſſigned or transferred; for which Entry the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum or Sums of Money, not exceeding Two Shillings and Six Pence, as the ſaid Truſtees, or any Five or more of them, ſhall order or direct; and after ſuch Entry made, every ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment of the principal Money, and Intereſt therein mentioned, and thereby intended to be aſſigned or transferred; and neither the Perſon or Eſtate of any Truſtee or Truſtees, ſigning any ſuch Security, ſhall be liable to anſwer or pay the Money due, or to become due thereon, or to be ſued for in reſpect thereof.

If liable to Stamp Duties.

Clerk's Fee.

Former Creditors not to be prejudiced.

Provided alſo, That no Securities to be made, or Money borrowed by virtue of this Act, ſhall take Place of, or interfere with, or in any Manner prejudice or affect, the Payment of any Sum or Sums of Money borrowed, or taken up at Intereſt, and owing upon the Credit of the ſaid former Act.

Power for the Truſtees to let the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time or Times, to ſet, demiſe, and to farm let, 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 Fourteen Days Notice in Writing, to be fixed on all the Turnpike-gates or Bars erected or continued by virtue of this Act, for the beſt Rent that they can get for ſuch Tolls, to be payable

payable to the ſaid Truſtees, or to ſuch Perſon or Perſons, as any Nine or more of them ſhall, under their Hands, appoint to receive the ſame, with ſuch Covenants and Agreements therein to be contained, as the ſaid Truſtees, or any Nine or more of them, ſhall think proper and requiſite; and which ſaid Rent or Rents, ſo to be paid by virtue of ſuch Leaſe or 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, with Conſent of Creditors, may leſſen the Tolls;

Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, at a Meeting to be called for that Purpoſe, whereof Fourteen Days Notice in Writing ſhall be given and fixed upon all the Turnpikes or Toll-gates upon the ſaid Road, from time to time, with the Conſent of the Creditors, to leſſen or reduce all or any of the Tolls hereby granted, and directed to be levied, and afterwards to raiſe and augment the ſame again, ſo as not to exceed the Tolls and Duties hereby granted and made payable; and the Tolls ſo leſſened and reduced, or augmented again, ſhall and may be collected and levied in ſuch Manner, Parts, and Proportions, and applied for ſuch Purpoſes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

Charges of paſſing this Act to be firſt paid.

And it is hereby further enacted, That all ſuch Monies as ſhall be raiſed, borrowed, and collected, in purſuance or by virtue of the ſaid former Act, and alſo of this preſent Act, ſhall be in the firſt Place applied and diſpoſed of, for and towards the paying and defraying the Charges and Expences attending the obtaining and paſſing of this preſent Act of Parliament; and afterwards in and for the repairing and amending the Road hereby intended to be repaired, and other the Purpoſes of the ſaid former and this preſent Act, in ſuch Manner as to the ſaid Truſtees, or any Nine or more of them, ſhall, from time to time, ſeem requiſite and expedient.

Part of recited Act repealed.

And whereas, by the ſaid recited Act, the Surveyors, or other Perſons, acting by the Direction of the ſaid Truſtees, are reſtrained from getting Materials, for repairing the ſaid Road, out of Meadows, and other Places therein particularly mentioned; which Reſtriction, ſo far as the ſame relates to Meadows, may in ſome Caſes be inconvenient; be it therefore enacted by the Authority aforeſaid, That ſo much of the ſaid Act as reſtrains the ſearching for, digging, gathering, taking,

and carrying away any Materials, in, from, or out of, any Meadow Lands, or Grounds, for repairing the said Road, shall be, and is hereby repealed.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors of the said Road, or any Person or Persons employed by him or them, from time to time, to search for, dig, gather, take, and carry away, any Quantity or Quantities of Stones, Gravel, Sand, or any other Materials, in, from, or out of any River or Brook, in any Parish, Town, or Place, near or adjoining to the said Road, for the Purpose of repairing the said Road.

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

And, in order that the Trustees may know what Persons are liable to perform Statute-work on the said Road, be it further enacted by the Authority aforesaid, That the respective Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Road doth lie; or in case no such Surveyor is or shall be appointed, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year (within Six Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to the said Trustees) deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work upon the said Road, distinguishing in such List which of them keep Teams or Draughts; and all Persons liable to do Statute-work upon the said Road, shall do and perform the same on such Parts of the said Road, within the said respective Townships, Parishes, and Places, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint, so that no more than Three Days work shall be done by any One Person or Team on the said Road in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such Townships, Parishes, and Places, respectively, within Six Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of, such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons respectively: And if any Surveyor, Churchwarden, or Over-

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

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ſeer of the Poor, for any ſuch Town, Pariſh, or Place, aforeſaid, ſhall neglect or refuſe to do as he is hereby required and directed, every ſuch Surveyor, Churchwarden, or Overſeer, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Five Pounds.

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, or in purſuance of ſuch Part of the ſaid former Act as relates to the ſaid Road from Rotherham to Hartcliffe Hill aforeſaid, until Ten Days Notice ſhall be thereof given to the Clerk of the ſaid Truſtees, or after ſufficient Satisfaction, or Tender thereof, ſhall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and not afterwards; and that every Action or Suit that ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or of ſuch Part of the ſaid former Act as aforeſaid, ſhall be laid in the County of York, and not elſewhere; and the Defendant or Defendants in any Action or Suit to be brought, ſhall and may, at his or their Election, plead Specially, or 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 of, and by the Authority of, this Act: And if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be brought before Ten Days Notice ſhall be given thereof as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid; then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Limitation of Actions.

General Iſſue.

Treble Coſts.

And be it further 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 whatſoever, without ſpecially pleading the ſame.

Publick Act.

FINIS.