Anno tricesimo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Road from the Turnpike Road at the Bottom of *Shaw Hill*, in the Parish of *Melksham*, through *Googes Lane*, *Corsham*, *Biddestone*, and *West Yatton*, to the Turnpike Road at *Upper Combe*, in the Parish of *Castlecombe*, in the County of *Wilts*.



WHEREAS the High Road leading from the Turnpike Road at the Bottom of Shaw Hill, in the Parish of Melksham, through Googes Lane, Corsham, Biddestone, and West Yatton, to the Turnpike Road at Upper Combe, in the Parish of Castlecombe, in the County of Wilts, is in a ruinous Condition, narrow in many Places, and dangerous to Travellers; and the same cannot be effectually repaired and widened without the Aid of Parliament: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Preamble.

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 the Right Honourable Edward Seymour Esquire, commonly called Lord Seymour; the Right Honourable Webb Seymour Esquire, commonly called Lord Webb Seymour; the Right Honourable William Seymour Esquire, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Honourable William Bouverie, Sir Robert Long, Sir William Hanham, Baronets; Ambrose Awdry, Ambrose Awdry junior, John Awdry, Jeremiah Awdry, Townsend Andrews, Edward Bayntun, John Bytheasea, Robert Bytheasea, John Bull, Daniel Bull, Henry Coulthurst, Ezekiel Dickinson, Vicaris Dickinson, Caleb Dickinson, Thomas Duckett, Peter Delme, William Earle, Edward Eyles, George Flower, Brice Fisher, John Garth, Charles Garth, Thomas Goddard, Edward Goddard of Hartham, Rogers Holland, John Houlton, George Hungerford, Richard Jenkins, John Kington of Jacketts, James Long of Draycott, Thomas Long, Walter Long, Richard Long, Richard Long junior, William Long of Melksham, William Long of Bayntun, Lewis Long, Wadham Lock, Paul Methuen, James Montagu, John Montagu, Edward Montagu, Abidnigo Mathews, Thomas Maundrelf, William Northey, Robert Neale, Robert Neale junior, William Norris, Edward Popham, William Phipps, Jarrit Smith, John Smith, Jacob Self, Prince Sutton, Willy Sutton, James Sutton junior, John Ivory Talbot, John Talbot, Chauncey Townsend, John Turner, George Willy, William Willy, Henry Walter, John Walker of Lineham, John Walker junior, Esquires; the Reverend John Newton Vicar of Melksham, Reverend Thomas Fudge, Reverend Robert Twyford, Reverend Richard Goddard, Reverend Edward Earnly, Reverend William Dryor, Reverend John Needham, Reverend Benjamin Didding, Reverend John Scrope, Reverend Richard Scrope, Reverend Daniel Burchell, Reverend John Rolt, William Arnold, Charles Arnold, Thomas Baskervill, Thomas Bennett of Pickwick, John Bennett, Thomas Barrett, Nicholas Barrett, the Reverend Charles Brinsden, Joseph Colbern, William Clarke M. D. Samuel Cam, Maurice Doulmer, Thomas Fowler, John Flower, Thomas Feggens, Thomas Feggens junior, Anthony Guy, William Gaisford, Thomas Gent, Mathew Gent, John Hancock, John Hulbert Shopkeeper, Mathew Humphrais,

Trustees Names.

phrais, Mathew Humphrais junior, John Hutchings, William Hibbert, Robert Halliday, Thomas Johnson, James Little, Thomas Ledyard, John Ledyard junior, John Matravers, William Matravers, William Mountjoy, William Mountjoy junior, Thomas Mathews, Alworth Methewether, Thomas Mitchell, William Mitchell, Edward Mitchell, Richmond Edward Nicholas, Paul Newman, Dennis Newman, Paul Newman junior, John Newman, William Newman of Combe, Benjamin Peach, John Powell, John Probyn Esquire, Samuel Rutty, Charles Rose, Jonathan Rutty, John Rutty, Thomas Rutty, Thomas Rogers, John Rogers, Henry Smith, Charles Simkins, Samuel Sanger, Henry Sanger, Robert Sloper junior, Richard Smith of Pickwick, Richard Smith junior, John Smith of Bradford, Richard Taylor, James Toogood, Humphry Tugwell, James Usher, Philip Withers, John Wilde, James Wilde, Walter Waistfield, John Waistfield, Richard Whatley, Gentlemen; shall be, and they are hereby appointed Trustees, for surveying, ordering, amending, widening, and keeping in Repair, the said Road; and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Two hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds; and unless the Person, not being such Heir Apparent, claiming to have One hundred Pounds a Year, or Two thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities of this Act; which Oath shall be in the Words, or to the Effect, following; that is to say,

Trustees to take the following Oath before they act.

The Oath.

I *A. B.* do swear (or being One of the People called *Quakers*, do solemnly affirm) That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, over and above what will pay all my Debts.

So help me God.

Penalty on acting, if not qualified.

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or 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, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Nine or more of them, shall meet together at the House of Jeffry Holyday, known by the Sign of the Red Lion in the Town of Corsham, on Wednesday the Thirteenth Day of April, One thousand seven hundred and fifty seven; and shall proceed to the Execution of this Act, and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to any other Time, then, and in such Case, the Clerk to the said Trustees shall and may, by affixing, or causing to be affixed, publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before such Meeting, appoint such Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of future Meetings.

Trustees to defray their own Expences.

Provided

Trustees not impowered to act, but at a Meeting held in pursuance of this Act.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which shall be named or appointed in or by virtue of this Act, shall act, or be impowered to do any Act, in the Execution of the Powers hereby given to them, or either of them, except it be at a Meeting to be by them held in pursuance of this Act.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies by this Act made payable, such Person or Persons from and after his and their accepting such Place or Places of Profit, and during the respective Time of his and their holding and enjoying the same, shall be incapable of acting as a Trustee or Trustees in or under this Act, or in the Execution of the Authorities and Powers to them given.

Trustees who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or appointed by virtue of this Act, shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons to be a Trustee or Trustees, in the Room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing at One or all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the

10 Days Notice to be given of the Meeting for such Election.

Trustees

Trustees hereby appointed are authorized and impowered to act.

Trustees to erect Toll-gates and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Road; and also a Toll-house or Toll-houses in and upon the same; and shall demand and take at every such Gate or Turnpike, the following Tolls or Duties; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, or Gelding, drawing any Carriage, the Sum of Three Pence.

For every Ox, or other Neat Cattle, Mule, or Ass, drawing any Carriage, the Sum of Two Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, the Sum of One Penny.

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, 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 made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage upon which such Tolls are by this Act imposed, or by Distress of any other of the 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 Distress, detaining, and keeping the same, shall be paid; and it shall and may be lawful to and for such Person

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold in 3 Days.

or

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or Persons, after the Space of Three Days next after such Distress made and taken, to sell the Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Trustees may erect Side-gates,

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, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Road, and upon, in, or across any Lane or Way leading into or out of the same; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, at any Gate or Turnpike to be erected by virtue hereof; so as the same do not extend to a Double Charge, upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat;

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

No Turnpike to be erected between *Corsham* and *Chappel Nap*.

Provided always, That nothing herein contained shall extend to impower the said Trustees to erect any Turnpike on any Part of the said Road hereby intended to be repaired, that lies between a Place called Chappel Nap, and the Town of Corsham, or on any Part of the said Road hereby intended to be repaired, or on the Sides of the said Road, at any Place between the George Inn, in the said Town of Corsham, and a certain Gate called Hartham House Gate, or on or across any Road that shall be at any nearer Distance to the said Town of Corsham than the said Hartham House Gate is to the said Town of Corsham.

No Turnpike to be erected at the South End of the Town or *Almshouse* in *Corsham*, or at *Bricker's* Barn.

And whereas by an Act passed in the Twelfth Year of the Reign of His late Majesty King George, intituled, An Act for repairing and widening the Road from *Horsely Upright Gate*, leading down *Bowden Hill*, in the County of *Wilts*, to the Top of *Kingsdown Hill*, in the Parish of *Box*, in the said County; which Act was further continued by an Act passed in the Fourteenth Year of the Reign of His present Majesty; the Trustees therein and thereby appointed, are impowered to erect Gates or Turnpikes on or across the said Road between the Almshouse and the George Inn in the Town of Corsham: And whereas the erecting a Gate or Turnpike on that Part of the said Road, will tend to defeat the Intention of this Act; be it therefore further enacted by the Authority aforesaid, That no Toll-gate or Turnpike shall be erected on the said Road, or on the Sides of the said Road, at the South End of the said Town of Corsham,

between the Almshouse and the George Inn, in the said Town of Corsham.

Property of Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said several Gates or Turnpikes and Toll-houses erected by virtue of this Act, and the Rights and Properties to and of the same, and the Materials of which the same shall consist, shall be, and are hereby, vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall by virtue of this Act be erected upon, in, across, or on the Sides of the said Road or Bye-ways, or any or either of them, or any Part thereof, or any of the Materials of which the same be made, built, or consist.

Application of the Toll.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls or Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Turnpikes and Toll-houses, and repairing, widening, and amending, the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, and to no other Use or Purpose whatsoever.

Trustees, with Consent of the Creditors, may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Mortgagee or Mortgagees, or other Creditors, to lessen and alter all or any or either of the Tolls or Duties by this Act granted, at any Time hereafter, and for such Time as they shall think proper; and such Tolls or Duties so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable, for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass through the same or

any

any other Gate or Turnpike, with the same Carriage or Cattle Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Notes or Tickets the Collectors of the said Tolls are hereby required to give gratis.

Carriages with Coals to be consumed in *Laycock*, *Corsham*, *Biddestone*, and *Chittoe*, to pass Toll free from 1 *May* to 1 *Aug.*

Provided always, and be it enacted, That no Toll or Duty shall be demanded or taken at any Toll-gate or Turnpike erected by virtue of this Act, for the passing of any Waggon or Cart belonging to, or for the Use of any Inhabitant of some or one of the several Parishes or Tythings of Laycock, Corsham, Biddestone, Bromham, and Chittoe, otherwise Chitway, from the First Day of May, to the First Day of August in every Year, such Waggon or Cart going empty to fetch, or returning loaded with Coals only, to be used and consumed within the said Parishes or Tythings only, the Driver of such Waggon or Cart producing a Ticket or Token from the said Trustees, or any Five or more of them, denoting that such Waggon or Cart belongs to, or is for the Use of, some Inhabitant within some or One of the said Parishes or Tythings; which Tickets or Tokens the said Trustees, or any Five or more of them, are hereby required to give yearly, on or before the First Day of May, to the several Inhabitants of the said Parishes or Tythings, who shall require the same; which Tickets or Tokens shall be for the Use of the Persons to whom the same shall be given, and not to be lent or otherwise disposed of; and in case any Person shall lend or otherwise dispose of, any such Ticket or Token, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered and applied in manner herein after directed.

Persons and Things exempted from the Tolls.

And be it further enacted by the Authority aforesaid, That none of the Tolls by this Act granted and made payable, shall be demanded or taken at any of the Gates or Turnpikes erected by virtue hereof, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast drawing or not drawing the same, which shall be used or employed in the Carriage of any Materials for repairing any Road or Highway, or in the Carriage of any Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for the manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof, in Time of Harvest; or for any Plough, Harrow,

Harrow, Dray, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, in the several Parishes in which the said Road hereby intended to be repaired doth lie; or for any Coaches or other Carriages, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Wilts; or for any Horse or other Cattle going to or returning from Pasture or Water, or going from one Pasture to another; or for any Post-horse or Vehicle carrying the Mail; or for the Horses or Carriages of any Officers or Soldiers on their March; or for Waggons, Carts, or other Carriages, sent by Passes.

Penalty on claiming the Exemptions of this Act, not being intitled thereto.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Forty Shillings, to be recovered and applied in Manner herein after directed.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, or other Places, adjoining to, or lying near, any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, as aforesaid, at or before they come to any Turnpike or Toll-bar erected or to be erected by virtue of this Act; whereby the Payment

or giving or receiving of Tickets;

or taking off Horses, &c.

of

of any of the said Tolls shall be evaded; then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath or Affirmation of One or more Witness or Witnesses, or by the Confession of the Party, before any Five or more Trustees, or before One or more Justice or Justices of the Peace of and for the County where the said Offence or Offences shall be committed (which said Oath or Affirmation such Trustees, or Justice or Justices, is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses; and the other Moiety shall go and be applied towards the amending the said Road. to avoid paying the Tolls.

And, for the more speedy repairing and widening the said Road; 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, from time to time, upon the Credit of the said Tolls or Duties hereby made payable, to borrow and take up at Interest, any Sum or Sums of Money, as they, or any Nine or more of them, shall think needful; and may, and they are hereby authorized and impowered, to mortgage or assign over the said Tolls or Duties, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid, being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Road, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever. Trustees may borrow Money on the Credit of the Tolls. Application of the Money borrowed.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls or Duties, shall be made by the said Trustees, or any Nine or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls or Duties, and his, her, or their Assignee or Assignees, may, and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Assignments may be transferred, and the Manner of doing so.

Monies that shall be due thereon, to any other Person or Persons.

14 Days Notice to be given for borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees after their First Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees, be by Order of such Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officer or Officers, as the said Trustees, or any Nine or more of them, shall think necessary or convenient; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for that Purpose being fixed on the Turnpikes erected by virtue of this Act, at least Fourteen Days before such Election; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable.

and remove them and appoint others.

Trustees to allow Officers Salaries.

Officers to account on Oath to the Trustees.

And be it further enacted by the Authority aforesaid, That all and every the Collectors or Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every other Person and Persons, who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up

up to them the said Trustees, or any Five or more of them, full, true, and fair Accounts, in Writing of all the Monies which shall have been by them respectively had, collected, or received; and how, to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, and applied, together with the proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required, to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any or either of the said Officers or Persons so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint, then, and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Names of the said Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, such Justice or Justices may, and is and are hereby authorized and required by a Warrant or Warrants under his

Officers refusing or neglecting to account,

may be sued;

or on Complaint made thereof to Justices,

Justices to enquire into the Default,

his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done: And if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed for that Purpose, upon Notice thereof in Writing, being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode, respectively; or if appearing, shall refuse or neglect to deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he or they shall have deliver-

and levy the Balance by Distress and Sale;

and for want of Distress, or Offender refusing to appear and account,

to be committed.

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ed in and settled his or their respective Accounts, and verified the Items thereof, upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and pay the Money which shall be thereby to them stipulated to be paid; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

until he shall conform,

or compound with the Trustees.

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

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons, who shall, by the said Trustees, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near, the Road aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose cannot be had or found, in or upon such Waste or Common Ground or Grounds, then and in such Cases to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient

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

without paying for the same; levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds.

ficient for that Purpose, in, upon, or out of, and from the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Road; such Lands, Fields and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock used for keeping of Deer, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue or Trees for the Ornament of any House, they the said Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or one of them, having an Order from the said Trustees, or any Five or more of them, under their Hands and Seals, for so doing; and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking and carrying away the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees to dig for Stone, or other Materials, for repairing the said Road, in or upon the Lands or Grounds of Thomas Ducket Esquire, without the Consent of the said Thomas Ducket first had and obtained.

No Materials to be taken from the Lands of *Tho. Ducket* Esq;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and is, and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands and Seals of the said Trustees, or any Five or more of them, for these Purposes respectively) to make, or cause to be made, any Causeway or Causeways, in, or along the Side or Sides of any Part or Parts of the said Road, and shall or may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Road, or any Part thereof, and shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damage they may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

Surveyors may make Causeways,

and erect Bridges,

and cut Drains;

making Satisfaction to the Owners of the 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, and such Person or Persons as he or they shall appoint, having an Order of the said Trustees, or any Five or more of them, from time to time, to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Road aforesaid, and to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Six Days after Notice in Writing, given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the Matter in Dispute

Surveyors may remove Annoyances, &c.

lop or top Trees, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed the Surveyors;

to be levied by Distress and Sale.

pute shall arise, from time to time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before Five or more Trustees, or One or more Justice or Justices of the Peace for the County wherein the Matter in Dispute shall arise, shall, for every such Offence, forfeit and pay unto the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

Persons neglecting to scour their Ditches, &c after Notice given for that Purpose;

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying, or which shall lie in, or leading, or which shall lead into, or out of, the said Road, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Six Days next after Notice in Writing shall, for that Purpose, be given to him, her, or them, respectively, or shall be left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors; then, and in either of the said Cases, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered, to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof, as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

And

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Road, for the better Accommodation of Coaches, Carriages, and Passengers, that then the Trustees, or any Five or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Occupiers, Proprietors, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Road; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damages, such Sum or Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the Trustees, or any Five or more of them; and also the Costs and Charges attending such Agreement and Purchase.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, for turning, widening, altering, or amending the same; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts; and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Road.

any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid 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 in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do, by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands;

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or any other Person or Persons interested in Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Road, or into which such Road is to be turned or altered, as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in, do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for, or upon Account of, the taking of such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered and directed to administer)

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own, as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out a Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in do lie; thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons, or more, 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 the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impaneled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

honest and indifferent Men, of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn;

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

and 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, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence;

Fine not to exceed 10 *l.*

and that all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands,

or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given, as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Road, in such Manner as the said Trustees, or any Five or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such Draining, Ditching, Fencing, and Setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be, from thenceforth, Part of the said Road for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road, so widened, altered, or turned, was and ought to have been kept in Repair.

Lands, &c. purchased to be made Part of the Road, and esteemed as publick Highways.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Not to damage any House, &c. in altering the Road.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have used, or of right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, or any Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing, and keeping in Repair, the same Parts of the same Road, and such Bridges, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do: And that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired doth lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work; and shall and are hereby required to do and perform

Parishes, &c. liable to the Repair of the Road, Bridges, &c. to continue so.

Inhabitants to do Statute-work.

form such and so many Days Work, in such Parts of the said Road by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint: And that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Persons renting 50 *l. per Ann.* to be deemed Team-holders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where, or in, or for which, any such Surveyor or Surveyors usually have been, or ought to be, chosen, shall, and are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March in every Year, during the Continuance of this Act, Ten Days Notice of such Meetings being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, that are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of the said Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute work.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road doth lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, by such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them,

Penalty on not delivering in such Lists.

them, shall forfeit and pay for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling; and if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons, and he, she, and they, or the respective Person or Persons, on whose Behalf he, she, or they, shall come to work on the said Road, shall, in that Case, be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he, she, or they, had neglected to come, or such Team had not been sent to work on the said Road.

Penalty on Persons not performing Statute-work.

Persons found idle to be discharged and forfeit.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized or impowered so to do by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, and with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work, or other Work to be by him, her, or them, respectively done upon the said Road, at and for such Rates or Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, and Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees,

Trustees may compound with Parishes, &c. for Statute-work.

Trustees, or any Five or more of them, or to their Appointment.

Surveyors may appeal to Quarter Sessions, to determine Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed and appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their said respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Fourteen Days Notice, in Writing, of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Notice of Appeal to be given.

When once the Road shall be adjudged to be sufficiently repaired, the Inhabitants not liable afterwards to Presentment for want of Repairs:

Provided always, and it is hereby further enacted, That when the Road hereby directed to be repaired, shall be determined to be sufficiently repaired by the said Trustees, or any Nine or more of them, the said Trustees appointed or to be appointed to put this Act in Execution, shall, and they are hereby impowered, from thenceforth, and during the Continuance of this Act, to keep the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the said Road doth lead, indemnified, freed, and discharged, of and from all Presentments, Indictments, Amerciaments, and Fines, which shall be brought against, or laid upon, the said Inhabitants, for or upon Account of any Defect or Want of any Repairs of any Part of the said Road as lies within any or either of the said Towns, Parishes, Hamlets, or Places, through which the said Road doth lead; and in case the Inhabitants of any or either of the said Towns, Parishes, Hamlets, or Places, from and after such Determination, and during the Continuance of this Act, shall be presented, indicted, amerced, or fined, for or upon Account of any such Defects or Want of Repairs as aforesaid, the Receiver or Receivers, Treasurer or Treasurers of the Tolls by this Act granted, shall, and he and they is and are hereby obliged, having had Ten

But the Treasurer is to reimburse all Expences on that Account.

Days Notice of the said Presentment or Indictment given by the Surveyor or Surveyors of the Highways, after the first Process shall be served on the said Inhabitants of such Towns, Parishes, Hamlets, or Places, or any or either of them, on Account of such Presentment or Indictment which shall be brought as aforesaid, to reimburse (out of the Tolls of the said Turnpike) all such Charges and Expences as the said Inhabitants, or any or either of them, shall be put unto, for or upon Account of any such Presentment, Indictment, Amerciament, and Fine, as aforesaid; and the Surveyor or Surveyors shall be, and is and are hereby directed (if required by the said Trustees, or any Five or more of them) to appear to such Presentments or Indictments, and to make such Defence as such Trustees, or any Five or more of them, shall direct; and if such Receiver or Treasurer, Receivers or Treasurers, having had such Notice given him or them, as aforesaid, shall not, out of the Tolls of the said Turnpike, pay and discharge such Charges and Expences to such Surveyor or Surveyors, as aforesaid, then it shall and may be lawful for Two or more Justices of the Peace of the said County, upon Application to them made by such Surveyors, to settle and ascertain such Charges and Expences; and if such Receiver or Treasurer, Receivers or Treasurers, shall, after Ten Days Notice given him or them of such Charges and Expences being so ascertained, refuse or neglect to pay the same, in case sufficient of the Tolls shall remain and be in the Hands of such Receiver or Treasurer, after Payment of the Interest of such Sum or Sums of Money, as shall then be due and owing on any principal Sum or Sums of Money advanced or lent on the Credit of this Act, to such Surveyor or Surveyors, for the Use of such Town, Parish, Hamlet, or Place, which shall have been so presented or indicted, as aforesaid, the said Justices are hereby impowered and required, by Warrant or Warrants under their Hands and Seals, to levy the same for the Use of such Town, Parish, Hamlet, or Place, as aforesaid, by Distress and Sale of the Goods and Chattles of such Receiver or Treasurer, returning the Overplus (if any be) upon Demand, after all Charges are paid and satisfied.

and the Surveyors to appear to Presentments.

Justices may levy the Charges on the Treasurer.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and required to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Road,

Roads to be measured, and Mile-stones erected.

with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit; and also Directing Posts at the several Roads leading out of the said Road hereby directed to be repaired, denoting where the said Roads respectively lead; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals of the Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace, for the County or Place where the Offence shall be committed, before whom such Conviction shall be made, One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Road; and in case the Person or Persons, so offending and convicted, shall refuse or neglect to pay the said Sum of Forty Shillings, or not have sufficient Goods or Chattles, then it shall and may be lawful for the said Trustees, or any Five or more of them, or any One or more of such Justice or Justices of the Peace, as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the County wherein such Offence shall be committed, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged, till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalty on breaking or defacing Milestones, &c.

To be levied by Distress and Sale.

For want of sufficient Distress Offender to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures, imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same

Penalties and Forfeitures how to be recovered and applied.

same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace of the County or Place where the respective Party or Parties, who shall incur such Penalties and Forfeitures shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties, so incurring such Penalties, by a Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied, as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed, in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in and towards the repairing and widening the Road by this Act directed to be repaired, or in making a new Road through private Grounds, as aforesaid, and keeping the said Road in Repair.

Overplus of the Monies raised to be paid to the Owner.

Provided always, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales, as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures, for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall (if demanded) be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects of the Person or Persons, who shall incur the said Penalties and Forfeitures, can be found sufficient to answer the same, and the Charges of such Distresses and Sales (if any such shall be taken and made) then and in such Cases, any Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the said County, for any Time not exceeding Two Months for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Four Months, or less than One Month, or until such Penalties or Forfeitures by him, her,

For want of Distress, Offender to be committed.

or

or them incurred; and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, or to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall proceed in, and hear and determine, the Causes and Matters of the said Appeals, and every of them, and the Orders and Judgements of the said Justices shall be final.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form,

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on Account of Form only, nor shall be removed by Certiorari into any of his Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ, shall enter into a Bond with Two sufficient Sureties in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be or intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

nor removed by *Certiorari*, until Security be given to prosecute.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes. Proceedings and Orders of the Trustees to be entered in Books.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, 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 by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the executing of the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Thirteen Trustees shall be then present. No Order to be repealed, unless 13 Trustees be present.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance, from and after the Thirteenth Day of April, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Mat- Limitation of Actions.

ters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.