Anno tricesimo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Road leading from *Burleigh Bridge* in the Town of *Loughborough*, to *Ashby de la Zouch*, in the County of *Leicester*.



WHEREAS the great and main Road leading from the Town of Loughborough, to Ashby de la Zouch in the County of Leicester, from a certain Bridge called Burleigh Bridge, through Loughborough Field, Thorpe Acre Field, Snell's Lane, over Charnwood Forest, otherwise Charley Chace, through the Liberty of Shepshead and Gracedieu, to Gracedieu Lane, through Gracedieu Lane, over Thringston Fields, through Riley Lane, to the Snape Gate, over Thringston Moor and Coleorton Moor, through the Town of Coleorton, by Coleorton Church, to Ashby de la Zouch; and also from the South End of Gracedieu Lane, over Thringston Field, through the South End of the Town of Thringston, to Talbot Lane, are become so ruinous, Preamble.

ruinous, that (not only in the Winter Season, but in wet Summers) many Parts thereof are rendered almost impassable for Carriages, and very dangerous for loaded Horses and Travellers on Horseback, and in many Places very narrow and incommodious: And whereas the said Roads cannot be effectually amended and widened by the ordinary Course appointed by the Laws in being; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Trustees Names.

That Sir George Beaumont, Sir John Danvers, Sir Thomas Palmer, and Sir Thomas Parkyns, Baronets; Thomas Abney Esquire, the Reverend Thomas Alleyne, Richard Alleyne, William Browne Allsop, Charles Allen, Clerks; Thomas Allsop junior, John Alleyne, and Edward Aspingshaw, Gentlemen; Philip Harley Bainbrigge, John Bass, Thomas Babington, John Cave Browne, William Burslem, and Robert Bakewell, Esquires; the Reverend John Bainbrigge, Thomas Billio, William Babington senior, William Babington junior, Bell, and John Boultbee, Clerks; James Bates, John Bakewell, John Bulstrode, Henry Biddle, Seth Bamfield, Buckerfield, Henry Blencorn, Thomas Bowley, Joseph Boyer, Thomas Boultbee, John Beaumont junior, Benjamin Bavington, John Blake, Adams Burgess, Ferdinando Browne, William Bentley senior, William Boultbee, Thomas Barrowdale, William Buttrey, and Robert Briggs, Gentlemen; Richard Cheslyn, Godfrey Clark, John Charnock, and Norrice Craddock junior, Esquires; the Reverend Peter Cooper, and Josias Cockshutt, Clerks; Thomas Cockshutt, Benjamin Cooper, and Norrice Craddock senior, Gentlemen; Henry Dawson, Atkin Dawson, and Edward Dawson junior, Esquires; the Reverend John Dalby Clerk, John Davys, Isaac Dawson senior, Isaac Dawson junior, and Robert Dickinson, Gentlemen; the Reverend Edward Ellis Clerk, and Stephen Everard Gentleman, Leonard Fosbrooke, Thomas Fosbrooke, and Edward Farnham, Esquires; the Reverend Charles Franks Clerk, John Farnham, Theophilus Ferryman, Thomas Fisher, and Henry Fosbrooke, Gentlemen; the Honourable George Harry Grey Esquire, commonly called Lord Grey; the Reverend Thomas Green and Francis Gibbs, Clerks; Thomas Green and Thomas Greasley, Gentlemen; William Herrick, and Robert Hemington, Esquires; the Reverend Edward Heathcote, and Thomas Heath, Clerks; William Holbrooke, and

Thomas Hunt, Gentlemen; Charles Jennens, and Nathaniel Palmer Johnson, Esquires; John Johnson, Thomas Kirkland, and John Kirkland, Gentlemen; Charles Lewis Esquire, and the Reverend Caleb Lowdham Clerk, Hugo Meynell, Wrightson Mundy, and William Shalcross Mason, Esquires; and Thomas Noon Gentleman, Samuel Phillips, George Pochin, Charles James Pack, and William Pochin, Esquires; Thomas Pochin Doctor in Physick, the Reverend Thomas Parkinson Clerk, John Piddock, Charles Pestell, William Pochin, Hugh Platts, and Joseph Peal, Gentlemen; the Reverend Roberts Clerk, and William Reason Gentleman, John Simpson, Edward Smith, and Samuel Stephens, Esquires; the Reverend John Simpson, and Samuel Statham, Clerks; and Thomas Sill senior, Gentleman; John Towle Gentleman, James Wigley, George Wright, James Winstanley, the Reverend Granville Wheeler, Granville Wheeler junior, William Wright, Nathan Wright, Littleton Wolferston, John Wilson, and John Wilson junior, Esquires; the Reverend Edward Whitley Clerk, John Watkinson, Francis Winfield, William Wild, Thomas Woodreffe, and Thomas Walton, Gentlemen; shall be, and they, and their Successors, are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and for putting in Execution all other the Powers 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 Fifty Pounds above Reprizes; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand two hundred Pounds; and unless the Person not being such Heir Apparent, claiming to have Fifty Pounds a Year Estate, or One thousand two hundred 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

Trustees to take the Oath following, before they act.

of this Act; which Oath shall be in the Words, or to the Effect following; that is to say,

The Oath.

I *A. B.* do swear, 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 Fifty Pounds, above Reprizes, or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand two hundred Pounds.

So help me God.

Penalty on Persons acting, if not duly 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.

Time and Place of Trustees first Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Five or more of them, shall meet together at the House of John Testor, known by the Sign of the Bull Head in the said Town of Loughborough, on the Thursday Three Weeks next after the passing of this Act; 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 Roads, 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 they shall then adjourn to any other Time; then and in such Case, the Clerk of the said Trustees, shall or 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 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 another Meeting.

Trustees to bear their own Expences.

Provided

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 them, or either of them, except it be at a Meeting to be by them held in pursuance of this Act. Trustees not impowered to act, but at a Meeting held in pursuance of this Act.

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

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

And be it further enacted by the Authority aforesaid, That when and so often as any of the Trustees named or appointed by virtue of this Act, shall die, or remove to such a Distance from the said Roads, as to prevent his or their attending the said Meeting, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to elect, nominate, and appoint, One or more fit Person or Persons living in the said County, to be a Trustee or Trustees, in the Room of such Trustee or Trustees 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 of 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 elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees, and shall and may, and he and they is and are hereby On Death &c. of Trustees, others to be chosen. 10 Days Notice to be given of the Meeting for such Election.

hereby authorized and impowered to act in the Case of this Act, to all Intents and Purposes, in as full, [illegible] and ample a Manner, as the Trustees hereby authorized are 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, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part or Parts of the said Roads; and shall and may, from time to time, remove the said Gate or Gates to any other Part or Parts of the said Roads, as they shall see convenient; and also shall and may erect, or cause to be erected, a Toll-house or Toll-houses in or upon the same;

and take Tolls thereat.

and shall demand and take, at every such Gate or Turnpike, the following Tolls or Duties, before any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, shall be permitted to pass through the same Gates or Turnpikes; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Bullock, or other Beast of Draught, drawing in any Carriage, the Sum of Three Pence.

For every Pair of Mill Stones, the Sum of Two Shillings and Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, Cows, or 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, Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

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, and 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 may be levied by Distress and Sale.

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 such Goods and Chattles so distrained, until such Tolls, with the reasonable Charges of levying and keeping such Distress, shall be paid; and it shall and may be lawful to and for such Person and Persons so distraining, after the Space of Four Days next after such Distress made and taken, to sell the Cattle, Carriages, or Goods, so distrained and taken, returning the Overplus (if any shall be) upon Demand, to the Owners thereof, after such Tolls, and reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold in 4 Days.

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 Roads, and upon, in, or across any Way or Lane leading out of the same; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, at any Gate or Turnpike to be erected by virtue thereof; 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.

Trustees may erect Side-gates,

and take Tolls thereat;

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

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, or any Ditches, Mounds, or Fences, which shall by virtue of this Act be erected or made upon, in, or across, or on the Sides of the said Roads or Bye-ways, or any or either

Turnpikes and Toll-houses vested in the Trustees.

of them, or any Part thereof, or any of the [illegible] of which the same shall be made, built, or erected.

Application of the Toll.

And be it further enacted by the Authority aforesaid, That out of the first Money arising out of 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 passing and passing this Act, and in surveying the Roads, and shall apply the Remainder of the Money so raised in erecting a Turnpike or Turnpikes, and Toll-house or Toll-houses, and amending, widening, and keeping in Repair, the said Roads, and defraying the necessary Costs, Charges and Expences, attending the same, or any ways relating to this Act, and to and for no other Use or Purpose whatsoever.

In what Manner the Roads are to be repaired.

And be it further enacted by the Authority aforesaid, That the said Trustees shall begin to repair the Roads at the Two extreme Points of the same; that is to say, at the said Burleigh Bridge, and at the End of the Town of Ashby de la Zouch lying nearest to the Road leading from the said Town of Ashby de la Zouch to Loughborough, and shall proceed on to amend and widen the said Roads from the said Two extreme Points equally; that is to say, When the said Trustees shall have laid out the Sum of One hundred Pounds in amending and widening the said Roads from One of the said extreme Points, they shall not proceed any further therein, till they have laid out the like Sum of Money in amending and widening the said Roads from the said other extreme Point; and the said Trustees shall, in such Manner, proceed on in amending and widening the said Roads, until the same shall be completely amended and widened.

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

And it is hereby further enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls hereby granted and made payable; and to order and direct such Tolls, so to be lessened and reduced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, and be with the Consent of, the several Persons who shall have advanced any Money on the Credit of the said Tolls, or to any Person or Persons who, at the Time of such Reductions, shall have any Money secured thereby; any thing herein before contained to the contrary thereof in any wise notwithstanding.

And

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 Gate or Turnpike, and all other the Gates or Turnpikes erected by virtue of this Act, 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.

Tolls to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be erected, fixed, or placed by virtue of this Act, between the Collieries in Cole Orton Moor, and where the Road comes in from Talbot Lane, or in any Part of the Road leading from Talbot Lane End aforesaid, to the First Place where Two Roads meet in the Town of Cole Orton.

No Turnpike to be erected between *Talbot Lane* and the Town of *Cole Orton*.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall pay, or be liable to pay, any Toll or Duty hereby granted for any Horse, Mare, Gelding, Mule, or Ass, or for any Waggon, Wain, Car, Cart, or other Carriage, going for or returning with Coals from any of the Collieries which are now on Cole Orton Moor, or hereafter shall be on the said Moor, at any Turnpike Gate which shall be erected by virtue of this Act between Talbot Lane and Cole Orton Church; provided such Person or Persons do produce a Note or Ticket at any such Turnpike Gate, of the Payment of the Tolls at a Turnpike Gate which shall or may hereafter be erected between Markfield Turnpike Gate and Talbot Lane End aforesaid.

Particular Exemptions from 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 Lime, Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, Straw, 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

Persons and Things exempted from the Tolls.

Owners thereof, or in the Carriage of Wood for Fuel; or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or flocking of Land, in or near the several Parishes in which the said Roads hereby intended to be repaired do lie; or for the Carriage of any Lime to be used in the building or repairing of any Houses or Buildings in or near the several Parishes in which the said Roads, hereby intended to be repaired, do 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 Leicester, on the Day or Days of such Election; or from any Person or Persons residing in any of the Parishes in which the said Roads do lie, passing or repassing to or from Church, or any other Place of Religious Worship, on Sundays, or attending the Funeral of any Person buried in any of the said Parishes; or for any Horse or other Cattle going to or returning from Pasture or Water; or for any Post-horse or Vehicle carrying the Mail or publick Packet; or for the Horses of any Officers or Soldiers on their March, or for Carts, Carriages, or Waggons, attending them; or for Horses, Carts, or Waggons, travelling with Vagrants 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 Twenty 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, Cart, 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 permit or suffer any Person or Persons with any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, 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

or giving or receiving of Tickets;

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, Cart, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such 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 Roads.

or taking off Horses, &c.

to avoid paying the Tolls.

And, for the more speedy amending and widening the said Roads; 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 Tolls or Duties hereby made payable, to borrow and take up at Interest, not exceeding the Rate of Four Pounds Ten Shillings for One hundred Pounds by the Year, any such 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 assign over, or by any Writing or Instrument under their Hands, to charge or order the Treasurer for the time being, with any Writing or Instrument under his Hand, to charge (which such Treasurer is hereby authorized and impowered so to do on such Orders) 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 amending and widening

Trustees may borrow Money on the Credit of the Tolls.

Application of the Money borrowed.

the said Roads, 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.

Assignments may be transferred, and the Manner of doing so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Assignment or Assignments, or other Writing or Writings, to charge the said Tolls or Duties, shall be made or given by the said Trustees, or any Nine or more of them, or by the Treasurer in pursuance of this Act, 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 by Indorsement or otherwise, such Security or Securities, and all the 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 Five 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 Roads, and such other Officer or Officers as the said Trustees, or any Five 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 Ten 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,

and remove them and appoint others.

Trustees to allow Officers Salaries.

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in or about the repairing or widening the said Roads, 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 Five or more of them, shall seem reasonable.

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 and they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give 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 who, and to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or 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 Officer and Persons) verify their 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

Officers refusing or neglecting to account,

in

may be sued; 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, or in the Name of the Treasurer for the time being, 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 for 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, 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 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 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 or Seal, or Hands or Seals, to cause such Monies 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 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 or 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

or on Complaint made thereof to Justices,

Justices to enquire into the Default,

and levy the Balance by Distress and Sale;

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

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 impowered, 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 delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the 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 paid 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. to be committed.

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

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail. No Victualler, &c. capable of being a Trustee.

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

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, carried, and taken away, any Thorns, Gorse, Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for the 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 Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Roads, without paying any Thing for the same; they the said 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, and 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 Case to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Gorse, Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient 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 Roads; such Lands, Fields, Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, 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, for so doing, and paying such Rates for such Materials to the Owners or Occupiers of such Lands, Fields, or Grounds, where and from whence the same shall be digged, gathered, or carried away, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners

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;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

or

or Occupiers, or any or either of them, the Juſtices of the Peace at the next General Quarter Seſſions to be holden in the County where and from whence ſuch Materials ſhall be ſo cut, digged, gathered, taken, and carried away, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors, and ſuch Perſon and Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint, from time to time, to remove and prevent Annoyances on any Part of the Roads aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, Watercourſes, Sinks, or Drains, running into the ſame, or otherwiſe; and if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon ſo offending, and being thereof convicted, upon Oath, before any One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay unto the ſaid Truſtees, the Sum of Twenty Shillings, to be recovered, levied, and diſpoſed of, in ſuch Manner as is herein after-mentioned.

Surveyors, by Order of the Truſtees, may make Cauſeways,

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 appointed or employed, may, and is and are hereby authorized and impowered (the ſaid Surveyor or Surveyors, or other Perſons, having a Warrant or Order from and under the Hands of the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes reſpectively) to make or cauſe to be made any Cauſeway or Cauſeways, and to cut and make Drains through, and to make and erect Bridges, or Arches, of Brick, Timber, or Stone, upon, and alſo to widen any of the narrow Parts of the Roads, by opening, clearing, or laying into the ſame, any Grounds of any Perſon or Perſons lying contiguous thereto (not being a Houſe, Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to the Houſe) and cut down and remove any Trees, Buſhes, or Underwoods, growing in or upon the Road, where ſuch Roads are not Twenty four Feet wide; and alſo to cauſe Ditches and Trenches to be made in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid Roads in good Repair; making ſuch

cut Drains,

erect Bridges, &c.

cut down Trees, &c.

and make Ditches, &c.

making Satisfaction to the Owners of the Grounds.

reasonable Satisfaction to the Owner or Occupier of Ground which shall be so laid into the said Roads, through which any such Drain or Drains shall be cut, or on which any such Bridge or Bridges, Arch or Arches, shall be made, for the Damage which such Owner or Owners shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions to be holden for the County wherein such Ground shall lie, which shall be so laid into the said Roads, through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Bridge or Bridges, Arch or Arches, shall be erected, or such Causeways made, in case of any Difference concerning the same: And if any

Owners neglecting to scour Ditches, &c. after Notice given them,

Owner or Owners of any Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour or cleanse the same Twice in every Year during the Continuance of this Act, after Ten Days Notice shall be given for that Purpose by the said Surveyor or Surveyors to be appointed, or by such Person or Persons as shall be appointed by him or them, to the Owner or Owners of such Watercourses, Ditch or Ditches, it shall

Surveyors may set Men to cleanse the same,

and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men at work to scour and cleanse the same; and by Warrant of any Five or more

and levy the Charge by Distress and Sale.

of the said Trustees, to levy the Charge thereof upon the Person, Goods, or Estates, of the respective Owners or Occupiers of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, and their Goods and Chattles; rendering the Overplus (if any be) to such Owner or Occupiers respectively, after all Charges paid, when by him, her, or them, demanded.

Surveyors may make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of inclosed Ground planted, set apart, and used as a Plantation, or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go

along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively through, over, or along which, such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions of the Peace, or at their Second Quarter Sessions at the farthest, to be holden for the County in which such temporary Roads shall lie, or the major Part of them present at such Quarter Sessions, and they are hereby required to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale, draw, or cause to be haled, upon, in, or along, the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, or Piece or Pieces of Timber, otherwise than and except upon Wheels and Carriages, every such Person or Persons, for every such Offence, shall forfeit the Sum of Twenty Shillings, to be recovered and applied in Manner herein after directed.

Penalty on drawing Timber otherwise than on Wheel-Carriages.

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 Roads 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 Roads, 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 Roads hereby intended to be repaired do lead, who by the Laws and Statutes of this Realm are or shall be obliged or liable to work in the Highway for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; any thing herein contained to the contrary notwithstanding.

Persons chargeable to Repair of the Road, &c. to continue so.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do, and that the said Trustees may have Power to compel such Persons to do such Statute-work as by Law they are liable to do; be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, during the Continuance of this Act, by any Writing under their Hands, order and direct every Person or Persons occupying any Estate or Estates, or inhabiting within any of the respective Parishes, Townships, or Places, in which the said Roads do lie, to do their Statute-work, and to summon the Surveyor or Surveyors of the Highways of and for the said respective Parishes, Townships, or Places, to bring in Writing before them, at their next Meeting, a List upon Oath or Affirmation of the Names of all Persons who within each Parish, Township, or Place, are respectively obliged by Law to do their Statute-work for that Year with Teams and Draughts, Horses, Labourers, or otherwise, which each Person ought to perform on the said Roads, in their several Parishes, Townships, or Places, respectively; out of which List the said Trustees shall and may allot, appoint, and order, such and so many Persons to do their Statute-work on the said Roads as they shall think fit, provided the same do not exceed Three Days Work with each Carriage, Team, Draught, Horses, or Labourers, in any One Year; which said Statute-work shall be done on the said Roads by such of the Persons as shall be appointed to do the same, on such Days, and at such Times, and in such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and if any Person or Persons shall neglect or refuse to do such Statute-work so allotted, appointed, and ordered to be done as aforesaid, every such Person or Persons, for every Day he or they shall make Default, shall forfeit and pay the Sum of Ten Shillings for each Team or Draught, and Three Shillings for each Horse, and One Shilling and Six Pence for each Labourer; and if any Person or Persons who shall come to work as a Labourer or Labourers, or to be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons; and he and they, or the respective Person and Persons on whose Behalf he or they shall come to work on

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

Penalty on Persons not performing Statute-work.

Penalty on Labourers Neglect.

on the said Roads, shall in that Case be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he or they had neglected to come, or such Team had not been sent to work on the said Roads; and in case the Surveyors of the Highways in the respective Parishes or Townships, or any of them, shall refuse or neglect to give in such a List of the Names as aforesaid, to the said Trustees, then each and every such Surveyor and Surveyors of such Parishes or Townships, so refusing or neglecting to give in such Lists as aforesaid, shall, for every such Refusal or Neglect, being thereof lawfully convicted, upon Oath or Affirmation, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, forfeit and pay the Sum of Forty Shillings; which said Penalties of Forty Shillings, Ten Shillings, Three Shillings, and One Shilling and Six Pence, shall be recovered, levied, and applied, in Manner herein after directed.

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

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 said Roads hereby intended to be repaired, or any Part or Parts thereof, doth or do lie, for the several Days Statute-work, or other Work, to be by him, her, or them, respectively done upon the said Roads, 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, or any Five or more of them, or to their Appointment.

Trustees may compound with Persons for Statute-work.

And, to the Intent that proper Persons may be impowered to compound or agree with the said Trustees for a Sum of Money to be paid by any of the Parishes through which the said Roads by this Act directed to be repaired, do lead, in lieu of their Statute-work to be done on the said Roads; be it enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, by and with the Advice and Consent of the Inhabitants of such Parishes first had at any Vestry, or other publick Meeting of the Inhabitants, to compound and agree with the said Trustees, as aforesaid, for any Number of

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

Surveyors, &c. paying the Composition-money to be reimbursed.

years they shall think fit; and if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they so paying the same, or on whom the same shall be levied, shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such Manner as Surveyors of the Highways for the time being are, by the Laws now in being, to be reimbursed the Monies by them laid out and expended in buying Materials for repairing the Highways.

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 Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work, in any Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, 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 Roads 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.

Composition-money how to be recovered.

And for the better Recovery of such Sum or Sums of Money as any Parish or Parishes, through which any Part of the said Roads intended to be amended do lead, or other Person or Persons who shall be liable to do Statute-work, shall compound for, or agree to pay, in lieu of the Statute-work to be done by such Parish or Parishes, or other Person or Persons; be it further enacted by the Authority aforesaid, That in case such Composition-money so agreed to be paid, shall not be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the County wherein such Parish or Parishes doth or do lie, upon Oath made before him or them of such Default of Payment, to

issue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering such Person or Persons so by the said Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same of the Goods and Chattles of such Surveyor or Surveyors of the Highways for the time being, or of such other Person or Persons so compounding; and the Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Money so levied shall go and be applied towards amending the Roads hereby directed to be repaired, and to no other Purposes whatsoever.

Roads to be measured, and Mile-Stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, 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 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 and convicted thereof, shall forfeit and pay the Sum of Twenty 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 the 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 the repairing the Roads aforesaid; and in case the Person or Persons, so offending and convicted, shall have no Goods or Chattles, then it shall and may be lawful for the said Trustees, or

Penalty on breaking or defacing Mile-stones, &c.

To be levied by Distress and Sale.

For want of Distress Offender to be committed.

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 Offender or Offenders to the Common Gaol of the County wherein such Offence shall be committed, there to remain for the Space of Two Calendar Months, 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 Two Calendar Months.

Penalty on diverting any Stream.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and unlawfully divert, obstruct, or drain off, any Water, which, by Order of the Trustees, or the Surveyor or Surveyors by them appointed, shall be reserved to run or be let in upon any Part of the said Roads; every Person so offending, and being thereof convicted, upon Oath or Affirmation, before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall forfeit the Sum of Forty Shillings, to be levied by Distress and Sale of the Offender's Goods and Chattles; and where no Distress can be found, it shall and may be lawful for the said Justice or Justices to commit the Offender or Offenders to the Common Gaol of the County wherein such Offence shall be committed, there to remain for the Space of Two Calendar Months, without Bail or Mainprize.

Penalties and Forfeitures how to be recovered and applied.

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 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 the 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, by Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied, as aforesaid, or otherwise paid, and every Part thereof (other than and except such

Parts

Parts thereof as are hereby directed to be paid to the 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 Roads by this Act directed to be repaired, or in making such temporary Road or Roads through private Grounds, as aforesaid, and keeping the said Road or Roads in Repair during such Time as they shall be made use of.

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

Provided always, and be it further enacted, That the Overplus of the Money which shall be raised and levied, 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

For want of Distress, Offender to be committed.

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 Case, 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 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, or them incurred, and the reasonable Charge 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 always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any 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 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

the doing, making, or awarding, of such Act, Order, or Judgement, be, 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, and 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 and conclusive to all Parties concerned and interested therein.

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 moved 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 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.

Proceedings and Orders of the Trustees to be entered in Books.

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, received, borrowed, 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.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under

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, or 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 Duties whatsoever.

No Order to be repealed, unless 9 Trustees be present.

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

Commencement and Continuance of this Act.

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 the Day next after the passing this present Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

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 Three 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 Matters 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 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 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;

General Issue.

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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.

Treble Costs.

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.

Publick Act.

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FINIS.