Anno tricesimo

Georgii II. Regis.

An Act for repairing and widening the Road from *Towcester*, through *Silverston* and *Brackley*, in the County of *Northampton*, and *Ardley* and *Middleton Stoney*, to *Weston Gate*, in the Parish of *Weston on the Green*, in the County of *Oxford*.



WHEREAS the High Roads turning out of the West Chester Road, at the Sign of the Saracen's Head in the Town of Towcester, and leading through Silverston and the Town and Borough of Brackley, in the County of Northampton, and from thence through Ardley and Middleton Stoney, in the County of Oxon, to a Gate called Weston Gate, at the further End of the Town of Weston on the Green, in the said County of Oxford, are in a ruinous Condition, and in several Places narrow and incommodious, and cannot be effectually repaired and widened by the ordinary Preamble.

Methods 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 Richard Ayres, Arthur Annesly, Esquires; Richard Arnold Gentleman, the Right Honourable John Lord Viscount Bateman, in the Kingdom of Ireland; the Reverend Thomas Bowles D.D. Charles Bowles, Benjamin Bathurst, Peregrine Bertie, Francis Bassett, John Blencowe, Shreve Bottery, Edmund Charles Blomberg, Esquires; the Reverend Bradley of Heyford, the Reverend Benjamin Bonner, the Reverend Thomas Brown, William Thomas Bowles, Samuel Badger, John Burrows, John Butterfield junior, Hopcraft Bloxham, Timothy Blencowe, Gentlemen; the Mayor and Aldermen of the Town and Borough of Brackley for the time being; Richard Chauncey, William Chauncey, William Cartwright, Thomas Cartwright, Charles Coker, Esquires; Thomas Coker, Charles Cottrell, John Cook, Gentlemen; Sir John Dryden, Sir James Dashwood, Baronets; Sir Clement Cottrell Dormer Knight, the Right Honourable Marshe Dickinson, George Denton, John Marshe Dickinson, Esquires; William Davis Gentleman, the Honourable Augustus Henry Fitz-Roy, commonly called Earl of Euston; Samuel Egerton Esquire, the Reverend Eaton of Steeple Aston, the Reverend Egerton of Farthingoe, the Reverend William Ellis Vicar of Stoke, Clerks; the Right Honourable George Grenville, the Reverend Richard Grey D.D. the Reverend William Gower D.D. Charles Gore Esquire, Drope Gough, Charles Garland, Paul Garland, Charles Gibbs, John George, Gentlemen; William Holbech, Hugh Holbech, William Hayton, Esquires; the Reverend James Hackwell, the Reverend Benjamin Holloway, William Hayton, William Hopcraft, Gentlemen; Sir Edmund Isham Baronet, the Reverend Thomas Jenner D.D. Richard Jennings Esquire, Robert Kingston, John Kingston, Gentlemen; Sir Robert Long Baronet, the Honourable Robert Lee, Richard Lowndes, William Lowndes of Winslow, Esquires; the Honourable George Montague Esquire, Sir William Moreton Knight, Recorder of the City of London; the Honourable Frederick North Esquire, commonly called Lord North; Sir Roger Newdigate Baronet, John Millward, John Nourse, Esquires; the Honourable Thomas Parker, commonly called Lord Parker; Thomas Prowse, Peregrine Palmer, Robert Pern,

John Pollard, Esquires; the Reverend Princep of Bissiter, the Reverend Thomas Price, John Payne, Thomas Pryor, Gentlemen; Sir John Reade Baronet, Thomas Rowney Esquire, the Reverend John Russell of Souldern, the Reverend Carew Rewnell, the Reverend John Rodd, Henry Roles, Richard Raymond, Gentlemen; the Right Honourable Sir William Stanhope Knight of the Bath, Sir Thomas Samwell Baronet, John Spencer, Joseph Smith, Thomas Samwell, Esquires; the Reverend Spencer, the Reverend Smith Rector of Cotsford, Joseph Sherrock Gentleman, Sir Edward Turner Baronet, Thomas Thornton, Thomas Lee Thornton, John Harvey Thursby, Samuel Trotman, Frennes Trotman, Esquires; Robert Tape, Henry Thornton, Gentlemen; the Honourable George Bussy Villiers, commonly called Lord Viscount Villiers; the Right Honourable Ralph Earl Verney, in the Kingdom of Ireland; the Reverend Vaughan of Fritwell, the Right Honourable Philip Viscount Wenman, in the Kingdom of Ireland; the Right Honourable Sir John Willes Knight, the Reverend Thomas West D. D. John Willes, Edward Willes, Michael Wodhull, Benjamin Price Withers, Esquires; Henry Wight, John Welchman, Robert Weston, Thomas Wilkins, John Watts, Conoway Watts, Gentlemen; the Reverend Francis Yarborough D. D. the Reverend John Yates, Edward Yates, Thomas Youick, Richard Young, Gentlemen; shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and also for putting in Execution all other the Powers in and by this Act given and granted, so far as the same relate to the said Roads.

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 (except in the Swearing of Trustees) unless he shall be in his own Right, or in the 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 Two hundred Pounds, above Reprizes, or shall be possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds; and unless the Person, not being such Heir Apparent, as aforesaid, shall take and subscribe the Oath following, before any

Trustees to take the following Oath before they act.

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,

The Oath.

I *A. B.* do swear (or, being a *Quaker*, do 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 Fifty Pounds above Reprizes; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds, after all my Debts are paid.

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: And the Person so prosecuted shall prove that he is qualified, as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in such Manner as other the Penalties and Forfeitures are herein after directed to be applied.

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 Thomas Williams, known by the Sign of the Queen's Head in the Town of Brackley, on Monday the Sixth Day of June, One thousand seven hundred and fifty seven, and shall proceed to the Execution of this Act, and shall afterwards adjourn themselves, and meet again at such Time or Times, Place or Places, in or near the said Roads so to be repaired, 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 the said Trustees,

or any Five or more of them, shall meet on the First Tuesday in the Month of June yearly, in the Town and Borough of Brackley aforesaid: And if it shall happen that there shall not appear at any such annual or other Meeting, a sufficient Number of Trustees to act, then the Clerk to the Trustees shall adjourn such Meeting to that Day Three Weeks from the Time of such last appointed Meeting, and to be holden at the same Place; and, in such Case, the Clerk to the said Trustees shall affix or cause to be affixed, publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue of this Act, of the Time when, and Place where, such next Meeting is appointed to be held, at least Fourteen Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray all 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 always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or who 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 any 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 Money 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 hereby 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 as often as any of the Trustees named or appointed by virtue of this Act, shall die 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, to elect,

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

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, or refusing to act; and that the said Trustees shall elect, nominate, and appoint, some other fit Person, who shall live and reside within the same County wherein such Trustee, so dying or refusing to act, lived and resided:

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

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 all the Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all and every such Person and Persons who shall be chose and appointed, to be joined with the 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 Trustees hereby particularly named 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, One or more Gates or Turnpikes in, upon, or across the said Roads, and also a Toll-house to each Gate or Turnpike; and

and take Tolls thereat.

shall and may demand, receive, and take, at every such Gate or Turnpike, the Tolls or Duties following, before any Horse, or other Cattle or Beast, or any Carriages whatsoever, shall be permitted to pass through any Turnpike to be erected upon or cross any of the said Roads; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or other Cattle, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Waggon, Cart, Wain, or other Carriage, Three Pence.

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

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

And for every Drove of Calves, Swine, Sheep, or Lambs, 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

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 if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons who, under this Act, shall be appointed to collect the same, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Tolls are by this Act imposed, or any of the Carriages drawn by such Horse or other Cattle or Beasts, or the Goods or Chattles of such Person or Persons, who shall refuse to pay such Tolls; and to detain and keep the same, until such Tolls, with the reasonable Charges of detaining and keeping the same, shall be paid; and if such Tolls, and the reasonable Charges of such detaining and keeping, shall not be paid within the Space of Three Days next after such Distress made and taken, the Person or Persons so seizing and distraining, shall and may sell the Cattle, Beasts, Carriage, or Goods, so distrained, or any Part of such Goods, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Distress, Detainer, and Sale, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold in 3 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, upon and cross the said Roads, and upon and cross any Street, Lane, or Way, leading into any Part of the said Roads, One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes; and shall or may, at their Discretions, also cause to be erected or provided, a Toll-house upon, or adjoining to, the said Roads, at or near each of the Places where the said Bars, Gates, Fences, or Turnpikes, shall be erected; and there take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, so as the same do not extend to a double Charge, upon any Person or Persons passing the same Day 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 Bars, Gates, Fences, or Turnpikes, and Toll-houses, which shall be 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,

Turnpikes and Toll-houses vested in the Trustees.

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, Bars, Fences, 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 Roads, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or that shall be brought to any Place for the building or repairing of the same.

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 occasioned by the Solicitation of, and Costs in procuring, obtaining, and passing this Act, and incident thereunto; and shall apply the Remainder of the Money, which shall be raised or borrowed, in erecting Turnpikes and Toll-houses, and repairing, widening, and amending the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the Execution of this Act, and the Trusts hereby created.

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 Person or Persons who, for the time being, shall advance any Money on the Credit of this Act, to lessen, from time to time, as shall be thought proper, any of the Tolls or Duties by this Act payable, 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: And the said Trustees, or any Nine or more of them, shall and may afterwards, at any General Meeting which shall be had of them, if there shall be Occasion, again advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Rates herein before first appointed to be paid.

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 pas-

sing

sing of any Carriage, Cattle, or Beast, 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 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 daily to provide and to give gratis, on Receipt of the Toll.

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 Lime, Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground in any of the Parishes through which any of the said Roads lead; 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 Owners thereof, in the Time of Harvest; or for any Horse or other Cattle drawing or conveying any Plough, Harrow, or other Implement of Husbandry; or for any other Thing whatsoever employed in Husbandry; or for manuring or stocking, plowing, sowing, tilling, or cultivating of any Land or Ground in the several Parishes in which the said Roads hereby intended to be repaired, 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 Counties of Northampton or Oxford, on the Day or Days of such Election, or on the Day before, or the Day after, such Election shall begin or be concluded; or from any Person or Persons passing or re-passing to or from Church, or any other Place of Religious Worship, on Sundays, in the Parish or Places wherein they respectively dwell or reside; or in conveying the Corpse of any Person to be interred in any of the said Parishes wherein they respectively dwelt and died; or carrying or conveying any Person or Persons attending or immediately returning from such Funeral; or for any Horse, Sheep, or other Cattle, going to, or returning from, Pasture or Water, or from any Wash,

Dyke, River, or other Place, used for washing of Sheep, in or near any Part of the said Roads; or for any Sheep going to, or returning from, any Place used for the Clipping or Sheering of Sheep near the said Roads; or for any Post-horse or Vehicle carrying the Mail or publick Packet; or for the Horses or Cattle of any Officers or Soldiers on their March; or for any Horses or other Cattle drawing Carts, Waggons, or other Carriages, with the Arms or Baggage of any Soldiers; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes; or returning from the said Services, not otherwise loaded or employed.

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; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be recovered and applied in such Manner as the other Penalties hereby inflicted are herein after directed to be recovered and applied.

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 Place, 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 of the said Gates or Turnpikes, which shall be erected in pursuance of this Act, 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 forcibly or wilfully pass through any of the said Gates or Turnpikes with any Horse, or other Cattle or Carriage, without paying the Tolls hereby granted; or shall offer, give to, or

or giving or receiving of Tickets;

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

or taking off Horses, &c.

shall, at any Time or Times, take off, or cause to be taken

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; or leave, or cause to be left, upon any Part of the said Roads, any Horse, or other Cattle or Carriage (having travelled Part of the said Roads on the same Day) with Intent to evade the Payment of any of the said Tolls, or any Part thereof; or shall interrupt or disturb any Person or Persons who shall be employed by the said Trustees, or their respective Surveyor or Surveyors, in searching for, digging, or gathering, any Materials for repairing any of the said Roads, that then every Person so offending in any of the Cases aforesaid, being thereof convicted, upon the Oath of One or more Witness or Witnesses, 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 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, to and for his or their own Use and Uses; and the other Moiety thereof shall go and be applied towards the amending and widening the said Roads.

to avoid paying the Tolls.

And, for the more speedy repairing 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, 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 Sum or Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which 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 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 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 such Mortgage or Mortgages, Assign-

ment or Assignments, so to be made, as aforesaid, for securing such Sum or Sums of Money so to be lent on the Credit of the Tolls, as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen or perused, at all seasonable Times, by any of the Trustees, or Creditors of the said Tolls, without Fee or Reward; and all and every Person and Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, as a Security for any Sum or Sums of Money lent or advanced on the Credit of the said Tolls, or any Part thereof, as aforesaid, and his, her, or their respective Executors or Administrators, who shall be intitled to the Money thereby secured, shall and may from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, and their Right, Title, Interest, and Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Indorsement and Transfer, or Assignment, shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, within Two Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Parties Names, and Sum of Money, therein mentioned to be transferred, in the said Book to be kept for entering the said original Mortgages or Assignments; for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Six Pence, in case the same doth not exceed One hundred Words, and, for all above that Number, Four Pence for every Hundred Words; and after such Entry made, such Indorsement, Assignment, or Transfer, shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, or the Payment thereon; and such Assignee may in the like Manner indorse, assign, or transfer, the same again, and so toties quoties; and it shall not afterwards be in the Power of such Person or Persons, who shall make such Indorsement, Assignment, or Transfer, to make void, release, and discharge the same, or any Money thereby due, or any Part thereof.

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

Clerk's Fee.

And be it hereby declared and enacted, 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,

14 Days Notice to be given for borrowing Money.

stees, 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, present at any Meeting, shall, and are hereby authorized and impowered to elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Receiver, or Collectors or Receivers of the Tolls by this Act made payable, and a Surveyor or Surveyors, and such other Officer or Officers as the Trustees, or any Nine or more of them, shall think necessary or convenient to employ in the Execution of this Act; and, from time to time, to remove or displace such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, from their Offices, as they shall see Occasion; and to elect and appoint others in the Rooms and Places of such of them who 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 any such new 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 such Officers, and other Persons who shall be assisting in or about the repairing, widening, or altering the said Roads, or any Part thereof, or otherwise employed in putting this Act in Execution, or in preventing any Abuses contrary to the Intent hereof, 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: And in case of the Death of any of the Collectors or Receivers of the Tolls to be collected at any of the Gates or Turnpikes by Authority of this Act, or of their wilful or negligent absenting themselves from their Duty, or Resignation of their Places, without previous Notice given to the said Trustees at any former Meeting, or to the Clerk, of such their Intention, it shall and may be lawful for any Three or more of the said Trustees, so qualified and acting, as aforesaid, residing nearest to the Gate where such Collector or Receiver died, absented, or resigned, to appoint, by Writing under their Hands and Seals, any other Person, giving such Security as to the said Trustees so appointing shall be adjudged reasonable, to supply the said Place, and receive the said Tolls, and do all other Acts as Collector or Receiver, until such Notice can be given, and such Nomination, new Election,

and remove them and appoint others.

Trustees to allow Officers Salaries.

and

and Appointment, can or shall be made at such Meeting to be appointed in Manner as aforesaid, by Authority of this Act.

Officers to account on Oath to the Trustees.

And be it further enacted by the Authority aforesaid, That all and every such Officers, and other Persons, who shall be employed in the Receipt or Expenditure of any Money arising by 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 to them the said Trustees, or any Five or more of them, full, true, and fair Accounts, in Writing, of all Monies which shall have been by them respectively collected or received by virtue of this Act; and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, applied, or disposed of, and produce proper Vouchers for such Payments; and shall, and are hereby respectively required to pay all such Money 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 authorize to receive the same; 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 respectively) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any 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 such Account or Accounts as aforesaid, or to verify the same upon Oath as aforesaid, or to produce and deliver up to the said Trustees, or any Five or more of them, all Receipts and Vouchers relating to the same, 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 any of the Cases aforesaid, the said Trustees, or any Five or more of them, or any Two Justices of the Peace of the County wherein such Officer or Person shall be or reside, are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before

Officers refusing or neglecting to account,

before them; and upon his or their appearing, or not being to be found, such Trustees or Justices are hereby required to make Enquiries concerning any such Default in a summary Way, and to settle the Account or Accounts, if produced, of every such Officer and Officers, 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 the 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 the said Trustees or Justices are hereby impowered to administer) it shall appear to such Trustees 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 Trustees or Justices are hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under their 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 distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Trustees or Justices, at the Time and Place by them appointed for that Purpose, upon Notice thereof in Writing, under the Hands of any Five or more of the said Trustees, or One of such Justices, being delivered to such Officer or Officers, Person or Persons, or left at his or their Place or Places of Abode, respectively; or, if appearing, shall refuse or neglect to deliver to the said Trustees or Justices such Account or Accounts for the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Trustees 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 Trustees or Justices may, and are hereby required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or other Person to the Common Gaol of the County where such Officer or other Person shall be or 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,

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,

to be committed,

until he shall conform,

ceipts, Books, and Vouchers relating to such Accounts respectively, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distresses and Sales as shall in those Respects have been made, together with all Costs and Expences the said Trustees have been put unto, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition-money which shall be stipulated to be paid to the said Trustees, or their Treasurer; which Composition the said Trustees, or any Five or more of them, are hereby authorized and impowered to make.

or compound with the Trustees.

Clerk refusing or neglecting to account, to be committed.

And be it enacted by the Authority aforesaid, That if any Person or Persons who have been, or shall be appointed a Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, being thereunto required by the said Trustees, or any Five or more of them, either by a personal Demand, or by Writing under their Hands, left at the last usual Place of Abode of such Clerk or Clerks, at a certain Time and Place to be appointed, all the Books, Papers, and Writings, in their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein he or they shall dwell, there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every the said Books, Papers, and Writings, or shall have given a satisfactory Account relating to the said Books, Papers, and Writings.

Treasurer, &c. to give Security.

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, and other Officers whom they shall respectively appoint to receive or pay any Monies by the Authority of this Act, for the due Execution of their respective Offices, as the said Trustees, or any Nine or more of them, shall think proper.

No Victualler, &c. capable of being a Trustee.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, Alehouse, or other publick House of Entertainment, or who shall sell Ale, Wine, Brandy, or any other 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 any other Liquors by Retail.

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 any Five or more of them, 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 search for, dig, cut, gather, take, and carry away, or cause to be searched for, digged, cut, gathered, taken, and carried away, any Gravel, Furze, Heath, Sand, Stones, Flints, or other Materials proper for repairing of the Roads, in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place, 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; or railing and fencing off the same, in such Manner as that such Pits may not be dangerous to Cattle or Passengers; and if such Quantities of Gravel, Furze, Heath, Sand, Stones, 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, it shall be lawful for such respective Surveyor or Surveyors, and such Persons as he or they shall direct (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them) to search for, dig, cut, gather, take, and carry away, or cause to be digged, cut, gathered, taken, and carried away, any Quantity or Quantities of such Materials, out of, from, and over the Lands, Fields, or Grounds of any Person or Persons whomsoever, within the several Parishes, Towns, Villages, or Hamlets, in which any Part of the said Roads lie, or any neighbouring Parishes, Towns, Villages, or Hamlets, where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Roads (not being the Ground whereon any Dwelling-house stands, or a 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, paying, or offering to pay, to the respective Owners

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;

making Satisfaction to the Owners of the Ground.

Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the searching, cutting, digging, gathering, taking and carrying away the said 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; and also 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 of any such Lands, or any of them, concerning the said Damages, the Justices of the Peace, at their next General Quarter Session of the Peace, or at their Second General Quarter Session at the farthest, to be holden for the County wherein such Matter of Difference shall arise, shall hear and finally determine the same.

Justices to determine Differences.

Surveyors 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 (they the said Surveyor or Surveyors, or other Persons, first obtaining 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 Causeways or Fences in or along the Side or Sides of any Part or Parts of the said Roads for Foot Passengers or otherwise; and shall and may erect and set up any Posts; or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall and may dig or cut, or cause to be digged or cut, any Drains, Ditches, or Watercourses, in, through, or across any Lands or Grounds, lying contiguous to any Parts of the said Roads; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to make, erect, widen, or alter, any Drains, Trenches, Arches, or Bridges, upon, in, or leading to, or out of the said Roads, or any Part thereof; and also to make or cause to be made a temporary Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Building stands, or a Garden or Orchard, or a Yard, Park, or a planted Walk or Avenue to any House, or any Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees) to be made use of as a publick Highway whilst the old, narrow, or ruinous Road

erect Bridges, &c.

and make a temporary Road.

Road is repairing or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass the Road so repaired or widened, and no longer; and also to turn, keep, and use, any Water running into, along, or on the Side of the said Roads, or of any Highway or Lane leading into the same, or any Part thereof, at any Time or Times between the Twenty fifth Day of March, and the Twenty ninth Day of September yearly, so as that such Water shall not be absolutely necessary for the watering of Pasture Grounds there, in such Manner as the said Trustees, or any Five or more of them, shall judge necessary; making such reasonable Satisfaction to the Owners and Occupiers of the said Ground respectively, through or upon which any such Arch, Bridge, Causeway, Drain, Ditch, or Trench, shall be made, erected, widened, or altered, or through which such temporary Road shall be made, or from which such Water shall be diverted, turned, or kept, as shall be adjudged reasonable 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, it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Session, or at their Second General Quarter Session at the furthest, to be holden for the County wherein such Matter of Difference shall arise, to hear, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Provided always, That nothing herein contained shall extend to impower the said Trustees, or any Surveyor or Person employed by them, to turn, divert, or alter, the Course or Stream of any Water upon which any Mill or Mills is, are, or shall be erected, without the Consent of the Owner or Proprietors of such Mill or Mills,

Trustees not to divert the Course of any Water.

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, Nuisances, and Obstructions, upon any Part of the Roads aforesaid; and to cut down, lop, or top, stock up, and take away, any Trees or Bushes growing in or near any Part of the said Roads, or in the Hedges or Banks adjoining thereto, or cut, new make, and lay down, any such Hedges; and likewise cut, dig, open, scour, cleanse, deepen, and enlarge, any Watercourses or Ditches, and make any others, adjoining or near to any Part of the said Roads, and make the same as deep or large as he or they shall think

Surveyors may remove Annoyances, &c.

lop or top Trees, &c.

the Owners neglecting to remove the same after Notice;

think necessary; in case the Owners or Occupiers of the Premisses shall neglect to cut down, lop, or top, stock up, take down, and carry away, such Trees; or cut, new-make, or lay down, such Hedges and Bushes, or remove such other Annoyances; or cut, make, open, scour, cleanse, deepen, or enlarge, such Watercourses or Ditches, for the Space of Ten Days next after Notice in Writing shall be given to such Owners or Occupiers for that Purpose, or left at their usual Place of Abode, or with the Tenants of the Premisses, under the Hand or Hands of the said

Surveyors to be reimbursed the Charges;

Surveyor or Surveyors, the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; and, in Default of Payment thereof, upon Demand in Writing, to be given or left in Manner aforesaid, such Surveyor or Surveyors shall and may, by Warrant or Warrants under the Hands and Seals of Two or more Justices of the Peace of the County where the Matter in Dispute shall arise (who are hereby authorized and required to make and grant the same) from time to time, to levy the said Charges upon

to be levied by Distress and Sale.

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 reasonable Charges attending such Distress and Sale shall be paid; and if, after Removal of

Penalty of a Second Offence.

any of the said Annoyances, any Person or Persons shall offend in the like Manner, every such Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before Two or more Justices of the Peace for the County wherein the Offences shall be committed, such Person or Persons shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid, and to be applied in Manner as other Penalties are herein and hereby directed to be applied.

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 Brook, Ditch, Drain, or Watercourse, lying or which shall lie in, or leading to or which shall lead into, or out of, the said Roads, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Brooks, Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Ten 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 Brooks, 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 Brooks, Ditches, Drains, or Watercourses, and Payment of the Money, and Demand thereof made, and Nonpayment and Reimbursement 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, such Surveyor or Surveyors shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice (who is hereby authorized and required to grant the same) levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons who shall neglect or refuse to pay the same, as aforesaid, together with the reasonable Charges of such Distress and Sale; rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattles which shall be so distrained, upon Demand, after all Charges paid attending the same.

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

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 the Path or Paths, or any Part or Parts of the said Roads, for the better Accommodation of Passengers and Persons travelling either on Foot or with Horses and Carriages, the said 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, or Occupiers of, and Persons interested in, any Lands, Grounds, or other Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or other Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money which shall be borrowed

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

borrowed on the Credit thereof, to pay for such Lands, Grounds, or other Hereditaments, and for the Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Five or more of them; and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, all Feoffees in Trust, Executors, Administrators, Guardians, Committees, and other Trustees whatsoever, for or on Behalf of any Infants, Feme Coverts, Cestuique Trusts, Ideots, or Lunaticks, and all other Persons whomsoever, who are or shall be seised or possessed of, interested in, or intitled to, any such Lands, Grounds, or other 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 other Hereditaments, or 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 Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and that no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing any Lands, Grounds, or other Hereditaments, where he or they shall be personally concerned in Interest.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Committees, or any other Person or Persons, interested in Lands, Grounds, or other Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or last Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or other Hereditaments, intended to be taken in and added to the

Persons neglecting to treat for the Sale of such Lands;

said Roads, or into or through which any such Roads shall be turned or altered, as aforesaid, shall, by the Space of Twenty one Days after such Notice shall be given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence, or otherwise, 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, Grounds, or other Hereditaments, so to be taken in, or added, 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 other Hereditaments, into the said Roads, or of turning such Roads into or through 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, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered and directed to 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 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 Sum or Sums of Money which shall be so assessed by the said Jury, for such Charges as aforesaid, to be paid to the said Owners, or Proprietors of, or other Persons interested in the said Lands, Grounds, or other Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so to be had and made, shall be filed and inrolled by the Clerk of the Peace of such County wherein the same shall be taken, at the next General Quarter Session of the Peace to be holden for such County, after the taking and making thereof, and kept with the Records of such Session, and

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

to be resorted to as Occasion shall require; the Charge of such filing and Inrolment, or of any Copies thereof, not to exceed the Sum of Six Pence for every Hundred Words; and that such Verdict, Inquisition, Judgement, Order, or Determination, or attested Copies thereof, under the Hand or Hands of the Clerk of the Peace for the time being, or his Deputy, shall and may be read, admitted, and allowed as Evidence in any Court of Record whatsoever; and 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, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any wise interested in such Lands, Grounds, or other Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and the said Trustees, or any Five or more of them, are hereby required to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be turned, added, or taken in, do lie; thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons, 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 impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen appearing, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, of the Standers-by, or that can speedily be procured to attend that Service, who shall and may be sworn and impanelled, so as to complete a Jury to the Number of Twelve; and the Charges of impanelling, summoning, and returning, the said Jury, and of taking the said Inquisition,

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.

quisition, shall be paid out of such Tolls as the Purchase-money for any such Lands or other Hereditaments is herein before directed to be paid, or out of the Money to be borrowed on the Credit thereof: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, are hereby impowered from time to time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give or shall not give their Verdict, or who shall, in any other Manner wilfully neglect 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; and all which Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to go and be applied.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

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 Money 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 Treasurer to the said Trustees, for the Use of such Persons; and after Fourteen Days Notice thereof given to such Persons or their Agents personally, or in Writing under the Hand of the said Treasurer, or left at his or their Place of Abode, or with the Tenant or Occupier of such Lands, Grounds, or other Hereditaments, 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 or add to the said Roads,

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

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

Roads, such Grounds, Lands, or other Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or other 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 other Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given, as aforesaid, such Lands, Grounds, or other Hereditaments, shall be laid into, and made Part of, the said Roads, 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 other Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and shall, for ever thereafter, be Part of the said Roads; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects, in such Manner, as the Roads hereby appointed to be repaired and widened, are, by this or any other Law, to be repaired; and after any such new Road shall be completed, the Lands and Grounds comprized in, or constituting the old or former Road, shall be vested in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for and towards the repairing and amending the said Roads; and the Sale, Conveyance, and Conveyances to be made of the Lands or Grounds comprized in the old or former Roads, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands or Grounds do lie, among the Records of the Session, at the Costs and Charges of the said Trustees, at the Rate of Six Pence for every Hundred Words, and of which an attested Copy (to be made and written at the Rate aforesaid) under the Hand of the Clerk of the Peace of such County, or his Deputy, shall be admitted as Evidence in any Court of Record; and shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

and esteemed as publick Highways.

Old Road may be sold.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them,

them, shall and may turn or alter the Path or Way of any of the said Roads, if they shall think it necessary, through any Common or Waste Grounds, without paying any thing for the same; and the old Road, in lieu whereof such new Road shall be turned or made, shall be vested in the said Trustees; and shall and may be disposed of in the same Manner as is herein before-mentioned for disposing of old Roads, unless such old Roads shall lead through any Common or Waste Ground; and, in such Case, the old Road shall be vested in the Lord or Lords of the Manors, who have a Right to the Soil and Ground through which the same leads, and no ways to alter or prejudice the Commonage belonging to any of the Commoners or Land-owners thereof; and the said old Roads shall, for ever thereafter, be and become Part of such Common or Waste Ground; and no Statute-work shall be done thereon. To make new Roads over Commons.

Provided also, and it is hereby further enacted and declared, That the Power hereby given to the Trustees for widening, turning, or diverting, any Part or Parts of the said Roads, shall not extend to the pulling down any Dwelling-house, or any other Building, or take the Site of any other House or Building, or to injure or damage any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House; any thing herein contained to the contrary notwithstanding. 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, Bodies Politick and Corporate, and Members thereof, who, before the making this Act, hath or have used, or of right ought, or by reason of the Tenure of any Lands or Hereditaments, and all Persons liable to pay any Rents or Profits, or on any other Account whatsoever, towards the Repair of any Part or Parts of the said Roads hereby intended to be repaired, and all Counties and Persons therein liable to build or repair any Bridges in the said Roads, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the Payments of all such Rents and Profits towards the repairing, and keeping in Repair, the same Parts of the same Roads, and all Bridges therein, 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 lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable Parishes, &c. liable to the Repair of the Road, Bridges, &c. to continue so.

liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; and shall and are hereby required to do and perform such and so many Days Work in such Part of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, and Places, in which such their Lands and Hereditaments do lie, or are situate, 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:

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

And that every Person or Persons respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of what Nature soever, 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 such Lands, Tenements, and Hereditaments, respectively lie and are situate, as Persons keeping Teams are obliged by Law, and ought to do; so as no such Statute-work shall be required to be performed in Hay-time, or Harvest.

Proviso.

Provided always, That nothing herein contained shall be construed to oblige or compel any Person or Persons, either with Teams, or by their Labour, to perform their Statute-duties in any other Parish, Town, Hamlet, Constablewick, or Place, on the said Road so to be amended, than they have usually done heretofore.

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

And, to the end that the said Trustees may know the Persons in 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 on their Highways, and what Sort of Duty they ought respectively to do and perform; 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, wherein or for which any such Surveyor or Surveyors usually have been, or ought to be, chosen, or where there are no such Surveyors, the Churchwardens and Overseers of the Poor of such Parishes, Hamlets, or Places, 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 Meeting being fixed on all the Turnpikes erected by virtue of this Act, and Notice in Writing being also given to such Surveyors, Churchwardens, or Overseers, to deliver, upon Oath, in to the said Trustees, or to any Five of them, then and there assembled (which Oath the said

said Trustees, or any Two of them, are impowered to administer) true and perfect Lists in Writing, under their respective Hands, of the Names of all Persons in such Towns, Parishes, Hamlets, and Places respectively, who 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 such Inhabitants shall, in and by this Act, or by any other Law in being, be deemed to keep a Draught, Team or Teams, and which of them are Labourers only, and the Number of Draughts or Teams each Person is liable to provide and send to work on the said Roads.

Penalty on not delivering in such Lists.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, or Churchwardens and Overseers where there are no Surveyors appointed as aforesaid, through which the said Roads lead, shall not deliver in to the said Trustees true Lists of the Names of such Persons, of their said several Towns, Parishes, Hamlets, or Places, at such Times and Places, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, Churchwardens and Overseers, and every of them, shall forfeit and pay for every such Default, the Sum of Forty Shillings; and if any or either of such Persons in 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 Roads, 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 Persons, 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 Person who shall keep, or by virtue of this Act or any other Law in being, shall be deemed to keep, a Draught or Team, for every Day's Work of each Draught or Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act, or any other Law in being, not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling: And if any Person or Persons, who shall be found negligent or idle in the Performance of such Statute-work or Duty, either with their Teams, or by their Labour, the Turnpike Surveyor or Surveyors may, and he and they are hereby required to discharge such Person with his or their Teams, or from their Labour; and the Person so discharged if in

Penalty on Persons not performing Statute work.

Penalty on Labourers. Neglect.

in his own Right) or the Person or Persons on whose Behalf such Person so discharged, shall have been sent to work, shall be liable and subject to such respective Penalties as they were or would be, had they not sent any such Team or Labourer.

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

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 the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, lead, for the several Days Statute-work, to be by 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 Turnpike 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; otherwise such Compositions shall be void.

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, or Churchwardens or Overseers, where no such Surveyors are or shall be appointed, 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 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, Churchwardens, or Overseers, to appeal to the General Quarter Session 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 General Quarter Session 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, Churchwardens, or Overseers, as aforesaid, having first given Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

And be it further enacted, That if any Person or Persons shall, during the Continuance of this Act, hawl or draw, or cause to be hawled or drawn, upon, in, or along the Roads by this Act directed to be repaired, or any Part thereof, any Tree or Trees, or any Piece or Pieces of Timber, otherwise than upon Wheel Carriages; or if any Person or Persons shall wilfully or negligently plough, or cause to be ploughed up, or turn, or cause to be turned, any Plough or Ploughs, on any Part of the said Roads, so as to damage the same; every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings. Penalty on drawing Timber, &c. otherwise than upon Wheels or Carriages.

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, remove, dig up, injure, damage, 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, and shall thereof be convicted by the Oath of One Witness, before any Five of the said Trustees, or before One or more Justice or Justices of the Peace for the County where such Offence shall be committed, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, removed, obliterated, damaged, 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, and 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 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 any Five or more of them, or any One Roads to be measured, and Mile-stones erected. Penalty on breaking or defacing Mile-stones, &c. To be levied by Distress and Sale. For want of Distress Offender to be committed.

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 to the Common Gaol 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; and every such Offender in either of the said Cases, shall and may by Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed; and shall be immediately delivered to any Constable, or other Peace Officer, within such County where the Offence shall be committed; who shall convey every such Offender before the said Trustees, or any Five or more of them, or any such Justice of the Peace, to be dealt with according to Law.

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 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, 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 declared 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 Roads in Repair.

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 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 County where such Person shall live or reside, 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, nor less than One Month, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

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

For want of Distress, Offender to be committed.

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 Session 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, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said General Quarter Session, upon due Proof of such Notices being given as aforesaid, shall proceed

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

proceed in, and hear and determine, the Causes and Matters of the said Appeals, and every of them; and in case there is not Fourteen Days between the Cause of Complaint, and the Time of holding the then next General Quarter Session, then to the then next succeeding General Quarter Session; and the Orders and Judgements of the said Justices, at such General Quarter Session, shall be final and conclusive to all Parties concerned or interested therein.

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 Session, or of any Justice or Justices of the Peace, or of any of the Trustees, 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, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that no Action or Suit shall be brought or commenced against any Person or Persons, for any thing done or to be done in pursuance of this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to be appointed by the said Trustees in pursuance of this Act, or to the Person or Persons against whom such Action or Suit is intended to be brought or commenced; and that no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceedings, by virtue of this Act, if sufficient Tender of Amends shall be made by, or on Behalf of, the Party or Parties who shall or may commit, or cause to be committed, any Irregularities, Trespass, or wrongful Proceedings, before such Action brought.

nor removed by *Certiorari*.

Plaintiff not to recover, if Tender of Amends shall be made.

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, 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; which said Books shall and may be produced, read, and admitted as Evidence, in all Courts of Record, touching any thing done in pursuance of this Act.

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 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, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, &c. by a less Number of Trustees than were present at the making such Order.

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 Trust, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the Trustees, unless as many Trustees shall be present as were at the making such Order, and consent to revoke, repeal, alter, or set aside the same; and that no Act, Matter, Thing, Order, or Determination of the said respective Trustees shall be made or done without the Consent of the Majority of the respective Trustees present at any Meetings to be holden in Manner as, and pursuant to such Notices as are herein before directed, such Majority not being less than the respective Numbers herein before authorized and impowered to do or make such Act, Matter, Thing, Order, or Determination.

All Matters to be determined by a Majority of Trustees 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 and after the First Day of June, One thousand seven hundred and fifty seven, for 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 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 Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant

fendant or Defendants in such Actions and Suits, and
General Issue. 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 before for that Purpose limited; or that Fourteen Days Notice thereof was not given of such Action as aforesaid, or that sufficient Tender of Amends or Satisfaction was made to the Party aggrieved; 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
Treble Costs. shall recover 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.

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.