Anno tricesimo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Roads from the Town of *Wrexham*, in the County of *Denbigh*, to *Pentre Bridge*, in the County of *Flint*; and from the Town of *Mold* to *Northop*, *Holywell*, and *Rhuddlan*, in the same County; and from thence to the *Ferry House* opposite the Town of *Conway*, in the County of *Carnarvon*; and from *Ruthin* to the said Town of *Mold*.

WHEREAS the Roads leading from the Town of Wrexham, in the County of Denbigh, to Pentre Bridge, in the Parish of Mold, in the County of Flint; and from the Town of Mold, in the said County of Flint, to Northop, and through Halkin, to the Market Cross in the Town of Holywell; and from a Place called Pen Fordd y Waen, to the Town of Rhuddlan, in the said County of Flint; and from thence through the Town of Abergeley, in the said County of Denbigh, to a Place called the Ferry House, opposite the Town of Conway, Preamble.

in the County of Carnarvon; and also the Road from the Town of Ruthin, in the said County of Denbigh, to the said Town of Mold, in the said County of Flint; are, in several Parts thereof overflowed, and in other Parts thereof very narrow, rugged, and incommodious, and, for the Generality, in a very ruinous Condition, and in many Places dangerous to Travellers; and the said Roads cannot by the ordinary Course of the Laws in being for repairing the Highways of this Kingdom, be effectually repaired, amended, and kept in Repair, unless some Provision be made for raising Money for that Purpose: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable James Smith Stanley Esquire, commonly called Lord Strange; Sir Lynch Salusbury Cotton, Sir Richard Grosvenor, Sir John Glynne, Sir Thomas Grey Egerton, Sir Thomas Mostyn, Sir Pyers Mostyn, Sir Thomas Pendergast, Sir Watkin Williams Wynne, Sir John Wynn of Glynllyvon, Sir John Wynne of Leeswood, Baronets; Sir Thomas Salusbury Knight, James Apperley, John Barker, Edward Blount, Edward Butler, Owen Salusbury Brereton, Hugh Clough, Richard Coytmore, John Humberston Cawley, Robert Davies, John Davies, Peter Davies of Henfryn, William Davies, Hugh Davies, William Dimmock, Philip Egerton of Oulton, John Egerton of Broxton, John Egerton of Hendre, Samuel Egerton, Kenrick Eyton, Thomas Eyton of Leeswood, Thomas Eyton, Rees Foulkes, James Foulkes, Pyers Foulkes, Fletcher, Thomas Grosvenor, Thomas Griffiths of Rhual, Humphrey Hanmer, George Hope, Robert Hughes, Thomas Hughes, Owen Holland, Richard Hughes, John Holland, John Jones of Llwynonn, John Jones of Llwyny, Edward Kynaston, Thomas Kyffyn, William Lloyd of Plasbower, Edward Lloyd of Tythyn, Edward Lloyd of Pengwern, Gawen Lloyd of Gwersillt, Edward Lloyd of Pentrehobin, Bell Lloyd, Edward Price Lloyd, John Lloyd of Havodynoes, Roger Mostyn, Richard Middleton, John Mostyn, Savage Mostyn, Pyers Mostyn, Thomas Mostyn, Peter Morgan, Thomas Meredith, John Madocks of Llay, John Mostyn of Segroit, Samuel Mostyn, John Ellis Mostyn, John Owen, David Pennant, Thomas Pennant, Edward Pennant, Paul Panton, Richard Price, Thomas Price of Kefn y Wern, Richard Parry Price, Thomas Pulestón of Pickrill, Philip Pugh

Trustees Names for *Wrexham* District.

Pugh of Penrhyn, Robert Parry, Benjamin Perrin, Thomas Pickering, Bagot Read, John Roberts, Philip Roberts, Thomas Ravenscroft, Humphrey Roberts, Anthony Langley Swymmer, Thomas Slaughter, John Salusbury, Richard Surridge, Edward Smith, William Stodart, Thomas Thomas, William Travers, Edward Thelwall, Robert Williams, Richard Williams, Robert Wynne of Bodyscallen, John Williams of Badlewithan, John Braughton Whitehall, Bennet Williams, Watkin Wynne, Thomas Whitley, Ralph Whitley, John Wynne of Soughton, Owen Wynne, Aquila Wyke, John Wright, William Wynne, Thomas Wynne, Thomas Williams of Trellynie, John Williams of Carneddwen, Francis Wardle, Robert Williams of Pwellycrochon, John Wynne of Coedcoch, Robert Wynne of Mould, Robert Wynne the younger, Robert Wynne of Plasnewydd, Robert Wynne of Garthmilio, Ellis Yonge, Simon Yorke, Esquires; the Reverend William Wynne of Tower D.D. the Reverend Maurice Anwyl, Robert Brereton, Edward Brown, William Conway, Edward Crew, Edward Davies, John Davies, Samuel Edwards, Thomas Edwards, John Eyton, Griffith Griffiths, Thomas Ince, John Jefferies, John Jones of Llanrhost, Hugh Jones, Thomas Jones of Llanasaph, Thomas Jones of Rhuddlan, Robert Lewis, John Lloyd of Wrexham, Thomas Lloyd of Gwrych, Robert Lloyd of Kefn, Roger Mostyn, John Pennant, Philip Puleston, Ellis Price, James Price, John Price, Thomas Price, Samuel Stodart, William Sutton, Richard Williams of Hawarden, Geoffrey Williams, Thomas Williams of Wrexham, John Vaughan Garrons, Clerks; Matthias Bertwisle, Thomas Blount, Jacob Coats, Thomas Cotham, George Colley, Samuel Crew, John Dymock, John Davies of Henfryn, Thomas Davies of Trer abbot, George Davies, John Ellis of Glan y Wern, Thomas Ellis of Glan y Wern, John Ellis of Wrexham, John Ellis of Llansaintfraid, Edward Ellis of Consilt, Edward Ellis of Dysart, Hugh Evans, Pierce Edwards, John Edwards, [illegible] Edwards, of Soughton, John Ellis, Danvers Gartside, Thomas Hayman, John Hughes, Robert Howard of Conway, Edward Jones, Peter Jones, Thomas Jones, John Jones, William Jones, Pyers Jones, John Jones of Clemendy Randle Keay, Howell Lloyd, Edward Lloyd of Wrexham, Edward Lloyd of Pentre, John Lloyd, William Lloyd, Evan Lloyd, William Lloyd of Wrexham, Gabriel Lloyd, Thomas Lloyd of Conway, James Morgan, Robert Millington, Ashton Millington, John Meredith, John Norman, John Norman junior, Thomas Panton, Thomas Payne, John Price, William Price, John Parry, Robert Pierce, David Parry, Daniel Payne, Edward Price, George Ravenscroft,

Thomas Roberts of Llansaintfraid, Griffith Speed, Francis Smedley, Thomas Smedley, Daniel Seaman, Anthony Steeple, Henry Steeple, Henry Sparrow, John Salusbury of Llangwstenin, William Taylor, Edward Totty, John Totty, Robert Totty, Samuel Thornes, Robert Travers, Roger Wynne, Thomas Welchman Wynne, John Wynne, William Wynne, Thomas Williams, Henry Vigars of Eaton Green, and William Vaughan, Gentlemen; together with the several Members who serve in Parliament for the several Counties of Flint, Denbigh, and Carnarvon, and also the Members who serve in Parliament for the Towns or Boroughs of Flint, Denbigh, and Carnarvon, for the time being, shall be, and they are hereby nominated, constituted, and appointed, Trustees, for the surveying, ordering, amending, repairing, widening, draining, and keeping in Repair, the said Roads, leading from the said Town of Wrexham to Pentre Bridge aforesaid; and from the Town of Mold to Northop, and through Halkin, to the Market Cross in the Town of Holywell; and from a Place called Pen Fordd y Waen aforesaid, to Rhuddlan; and through Abergeley, to the Ferry House aforesaid, opposite to the said Town of Conway, in the said County of Carnarvon; and also for putting in Execution all other Powers by this Act granted, so far as the same relate to the said Roads: And that the said last-mentioned Roads shall be divided into Districts or Divisions, in Manner following; (that is to say) The Road from Wrexham aforesaid to Pentre Bridge aforesaid, shall be called the Wrexham District or Division of the said Roads; and that the said Road from Mould to the End of a certain Marsh on the Road aforesaid, between Rhuddlan and Abergeley aforesaid, on that Side of the same Marsh which lies next to Abergeley aforesaid, shall be called the Holywell District or Division of the said Roads; and that the Road from that End of the said Marsh to the Ferry House aforesaid, shall be called the Conway District or Division of the said Roads: And that Sir Lynch Salusbury Cotton, Sir Thomas Mostyn, Sir John Wynn, Sir Watkin Williams Wynn, Sir Walter Bagot, Baronets; Sir Thomas Salusbury Knight; William Bagot, Arthur Bennet, Owen Salusbury Brereton, Hugh Clough, Powell Clough, Richard Coytmore, Robert Davies, John Davies, Thomas Eyton, Thomas Griffiths of Rhual, George Hope, Maurice Jones, Richard Kenrick, Thomas Kyffin, Thomas Kyffin junior, Hugh Hughes Lloyd, Edward Lloyd of Pengwern, Edward Lloyd of Tyddyn, Edward Lloyd of Pentrehobin, William Lloyd, John Lloyd, Jenkin Lloyd, Richard Lloyd, Edward Madocks, John Madocks,

Trustees Names for *Ruthin* District.

docks, John Mydd'eton, Richard Myddleton, John Mostyn, Maysmore Maurice, Meyrick Meredith, Paul Panton, Robert Parry, John Pugh Price, Robert Price, Thelwall Price, David Roberts, Eubale Roberts, Thomas Roberts, Anthony Langley Swynnner, John Salusbury, Henry Salusbury, William Travers, Edward Thelwall, Walter Thomas, Evan Vaughan, John Wynne, John Wynne junior, Pierce Wynne, Roger Wynne, Robert Wynne of Mould, Robert Wynne of the same, Robert Wynne of Plasnewydd, Robert Wynne of Garthmiho, Aquila Wyke, John Wright, Esquires; the Reverend William Wynne Doctor in Divinity, the Reverend Robert Brereton, William Conway, John Eyton, William Green, Thomas Hughes, Edward Jones, Thomas Jones, Ambrose Thelwall Lewis, Robert Roberts, Thomas Rutter, John Venables, Edward Williams, William Wynne, John Yale, Clerks; the Bailiffs of the Town of Ruthin for the time being; Hugh Davies Anwill, David Davies of Llaethwrydd, John Doulben, Edward Edwards, John Hughes of Coedmarchan, John Hughes of Llancynhafael, John Humphreys, Abel Jones, Peter Jones, William Jones, John Lloyd of Berth, Critchley Lloyd, Thomas Peak, Thomas Parry, Thomas Parry junior, John Price of Llanbeder, Thomas Youde, and Thomas Youde junior, Gentlemen; together with the several Members who serve in Parliament for the several Counties of Flint, Denbigh, and Carnarvon, and who serve in Parliament for the Towns or Boroughs of Flint, Denbigh, and Carnarvon, for the time being, shall be, and are hereby nominated, constituted, and appointed Trustees, for the better surveying, ordering, amending, widening, draining, and keeping in Repair, the said Road, leading from the said Town of Ruthin to the said Town of Mold, hereby directed to be called the Ruthin District of the said Roads; and for putting in Execution all and every the Powers and Authorities hereby granted, so far as the same relates to such last-mentioned Road: And that the said respective Trustees, in their respective Districts, or any Five or more of them, shall and may cause to be erected One or more Turnpike or Turnpikes upon and cross the Roads in each of their respective Districts, and upon and cross any Street, Lane, or Way, leading into any Part of such Roads; and also to be built or provided a Toll-house at or near each of the Places where any such Turnpike or Turnpikes shall be erected; and the Tolls following shall be paid, before any Horse, or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through any Turnpike to be

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

and take the following Tolls thereat.

be erected upon or cross any of the said Roads, from the Town of Wrexham to Pentre Bridge, and from Mold to Northop, and through Halkin to Holywell; and from Pen Fordd y Waen to Rhuddlan, and through Abergeley to the Ferry House, opposite the Town of Conway aforesaid, or upon or cross any Street, Lane, or Way, leading into the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, or other Carriage, laden or unladen, Three Pence.

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

For every Ox, Cow, or Neat Cattle, One Halfpenny.

For every Calf, Hog, Goat, Sheep, or Lamb, One Farthing.

And the same Tolls shall also be paid before any Horse, or other Cattle, or Beast, or any Carriage whatsoever, shall be permitted to pass through any Turnpike to be erected by virtue hereof, upon or cross any Part of the Road leading from the said Town of Ruthin to the said Town of Mold, or upon or cross any Street, Lane, or Way, leading into the same; Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons, in and for each respective District, as the said respective Trustees, or any Five or more of them, for the said respective Districts, shall respectively appoint to receive the same;

Tolls vested in the Trustees.

and the Money so to be raised is hereby vested in the respective Trustees for the District in or on account of which the same are respectively raised; and shall be applied in

Tolls to be levied by Distress and Sale.

such Manner as herein after is 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 be lawful for any such Person or Persons appointed as aforesaid to collect the said Tolls, 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 Horses, or other Cattle, or Beasts, or the Goods or Chatties of such Person or Persons so neglecting or refusing

Distress may be sold in 2 Days.

to pay such Tolls: And if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Two Days next after such Distress, the Person or Persons so distraining shall and may sell the Cattle, Beasts, Carriages, or Goods, so distrained, returning

the

the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges occasioned by such Distress and Sale, shall be deducted.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That out of the first Money which shall arise by and on account of the Tolls within the said Wrexham, Holywell, and Conway Districts, or out of the Money which shall be borrowed on the Credit of such Tolls, the Trustees for the said Districts, or any Five or more of them, shall, in the first Place, pay and discharge Two Third Parts of the Expences and Charges in and about procuring, obtaining, and passing, this Act of Parliament; And the said Trustees for the said Ruthin and Mould District, or any Five or more of them, shall pay and discharge, out of the First Money which shall arise by and on account of the Tolls within the said District, or out of the Money which shall be borrowed on the Credit thereof, One Third Part of the Expences and Charges in and about the procuring, obtaining, and passing, this Act of Parliament.

Trustees may erect Side-gates;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Trustees within their said respective Districts, or any Five or more of them, or any other Person or Persons by them respectively, or any Five or more of them, authorized or appointed, to erect, build, or provide, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, across, in, or upon, any Part of the said Roads hereby directed to be repaired, or at the End of or across any Street, Lane, or Way, leading into, out of, or any way communicating with, the same; there to demand, receive, and take, the said respective Tolls as are hereby made payable at the several Gates or Turnpikes hereby directed to be erected and set up, in, across, or upon, the said Roads hereby intended to be repaired.

and take Tolls thereat.

Tolls to be paid but Once a Day.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Person shall be subject to pay the Toll or Tolls hereby made payable more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing and repassing with the same Cattle, Beasts, or Carriage, through all or any of the Turnpikes to be erected on the Roads from Wrexham to Pentre Bridge, and across, or on the Side of, any Street, Lane, or Way, leading into the same; nor more than Once for passing and repassing in any One Day (to be computed as aforesaid) with the same Cattle, Beasts, or Carriage, through all or any of the Turnpikes to be

erected on the said Roads from the End of the said Marsh, before described to be near Abergeley, to the Ferry House aforesaid, and cross, or on the Side of, any Street, Lane, or Way, leading into the same; nor more than Once for passing and repassing in any One Day (to be computed as aforesaid) with the same Cattle, Beasts, or Carriage, through all or any of the Turnpikes to be erected on the said Roads from Ruthin to Mold, and cross, or on the Side of, any Street, Lane, or Way, leading into the same; such Person producing a Note or Ticket that the said Toll or Duty has been paid the same Day at any Turnpike-gate within the same Division: And the several Gates or Turnpikes, and Toll-houses, to be erected and built by virtue of this Act, and the Rights and Properties to and in the same, and the Materials of which they shall consist, and the Materials for repairing and amending the said Roads, shall be, and are hereby, vested in the said respective Trustees hereby appointed to put this Act in Execution; and they, or any Five or more of them, are hereby authorized and impowered to dispose thereof as they shall think fit; as also to bring, or cause to be brought, any Action or Actions in their Names, or in the Name of their Treasurer or Clerk for the time being, and to prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall dig up, break, or pull down, steal, take, and carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, to be erected or set up in pursuance of this Act, or any Materials for building the same, or whereof they shall consist, or any such Materials for the Amendment or Repair of the said Roads.

Turnpikes and Toll-houses vested in the Trustees.

And, forasmuch as the said Roads within the Holywell District, herein before described, is of greater Extent than any of the said other Districts; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees within that District, or any Five or more of them, to erect or set up any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, upon, in, or across, any Part of the said Roads, or at the End of or across any Street, Lane, or Way, leading into, or out of, the same, and cause the Tolls aforesaid to be taken and received at such of the said Turnpikes, so erected or set up upon the said Roads within that District, as the said Trustees, or any Five or more of them, shall, from time to time, appoint and direct.

How the Tolls are to be collected in *Holywell* District.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees within their respective Districts, or any Five or more of them, from time to time, at any Meeting or Meetings, to reduce all or any of the Tolls hereby granted, (Ten Days Notice thereof, under the Hand of the Clerk of the Trustees of such District, being first given upon all the Turnpike-gates within such District) so as such Reduction be with the Consent of the several Persons who shall have advanced Money upon the Credit of the Tolls within such District, and to raise the same again, or any Part thereof, so as the same do not exceed the several and respective Rates hereby granted; and such Tolls, so reduced or raised again, shall be collected, recovered, and paid, in the same Manner as the Tolls hereby before granted are directed to be recovered, collected, and paid.

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

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the Tolls to be collected at the Toll-gate or Toll-gates on the Roads, Lanes, Streets, Ways, or Passages, between Wrexham and Pentre Bridge, herein before mentioned, and called The Wrexham District, and the Monies which shall be borrowed on the Credit thereof, shall, after paying a proportionable Part of the Expences of procuring and passing this Act, in Manner aforesaid, be laid out and applied for and towards repairing, and keeping in Repair, the said Roads within the said District or Division only: And that the several Tolls as before-mentioned, collected within the Holywell, Conway, and Ruthin Districts or Divisions respectively, and the Money which shall be borrowed on the Credit thereof severally, shall, after paying their Proportions of the Expences of procuring this Act as aforesaid, be applied in repairing the said respective Roads within the said Districts or Divisions of Holywell, Conway, and Ruthin only; any thing herein contained to the contrary notwithstanding.

Application of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike, which shall be erected or set up by virtue of this Act, upon any Part or Parts, or on the Sides, of the said respective Roads, shall, at any Time after the same shall have been so fixed or set up, be taken down, or removed to any other Place or Places, except by Order of the Trustees for such Districts where such Turnpike had been so fixed and set up, or any Five or more of them, in Meeting assembled; of which Meeting Ten Days previous Notice shall be given in Writing by the Clerk to such Trustees, under

No Turnpike to be removed but by Order of the Trustees.

his Hand, and fixed on all such Turnpike-gates as shall be erected in pursuance of this Act within such District; any thing herein contained to the contrary notwithstanding.

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 owning or occupying any Messuage, Cottage, Land, Tenement, or Ground, adjoining to or near any Turnpike to be erected in pursuance of this Act, shall permit or suffer any Person or Persons whatsoever to pass through any Gate, Way, Passage, or Place therein, not being a common Road, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any Beast or Cattle, Sheep, Lamb, or Pig, liable to any of the Tolls hereby imposed, whereby the Payment of the said Tolls, or any of them, shall be evaded; or if any Person or Persons shall thereby avoid the Payment of any the said Tolls; or shall, at any Time during the Continuance of this Act, unload, lay down, deposit, or cause to be unloaded, laid down, or deposited, any Sort of Grain, Goods, Wares, or Merchandizes; or shall take off or carry away, or cause to be taken off or carried away, any such Grain, Wares, or Merchandizes, so unloaded, laid down or deposited; or shall take off, or cause to be taken off, any Horse, Mare, Gelding, or Mule, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or Litter, or any Horse, Mare, or Gelding, Or, or other Beast or Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall be brought or come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to evade, lessen, or avoid the Payment of any of the Tolls hereby imposed; or shall conceal or secrete any Goods or other Things hereby charged with any of the said Tolls; or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or any other Beast or Cattle, Sheep, Lamb, or Pig, with such fraudulent Intent as aforesaid; or if any Person or Persons liable to the Payment of any of the said Tolls, shall forcibly or wrongfully pass, or attempt to pass, any of the said Gates or Turnpikes, without Payment thereof at such Gate or Gates; or if any Person or Persons shall give to, or receive of, any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable)

or taking off Horses, &c.

or giving or receiving Tickets;

payable) any Note or Ticket of the Day, by this Act directed to be given by the Collector or Receiver of the said Tolls; or shall forge, counterfeit, or alter, any such Note or Ticket, whereby or by reason whereof the Payment of any or either of the said Tolls shall or may be evaded or lessened; every Person so offending in any of the Cases aforesaid, and being thereof convicted upon the Oath of One or more Witness or Witnesses, or on the solemn Affirmation of One of the People called Quakers, before Five or more of the Trustees aforesaid, or before One or more Justice or Justices of the Peace of and for the County, Town, or Place, where the said Offence or Offences shall be committed (and which said Oath or Affirmation such Trustees, Justice or Justices, is and are hereby impowered and required respectively to administer) shall, for every such Offence, forfeit and pay to the Trustees of the District where such Offence shall be committed, or to their Treasurer or Clerk for the time being, the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety thereof shall go and be applied in the Repair and Amendment of the said Roads within such District; and that it shall and may be lawful to and for the Toll-gatherer or Toll-gatherers at such Gate or Gates, or any other Person or Persons in his or their Aid or Assistance, to stop and apprehend any such Person or Persons so forcibly passing, or attempting to pass, any such Toll-gate, or evading, or endeavouring to evade or avoid, the Payment of any of the said Tolls, or abetting or assisting any other Person or Persons therein, and immediately to convey him, her, or them, before the said respective Justice or Justices of the Peace, in order to his, her, or their Conviction.

to avoid Payment of the Tolls.

Application of the Forfeiture.

Provided also, and it is hereby further enacted, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls aforesaid, for the going, passing, returning, or re-passing, through any of the Gates or Turnpikes to be erected in pursuance of this Act, with any Horse, Mare, Gelding, Mule, Ass, Waggon, Wain, Cart, or other Carriage, carrying or drawing any Quantity or Quantities of Lime for the manure of Land; nor any other Person or Persons passing or re-passing through the said Gates or Turnpikes, at any Time during the Continuance of this Act, with any Horse, Mare, Gelding, Mule, Ass, Waggon, Cart, or other Carriage, drawing or carrying any Quantity or Quantities of Gravel, Stone, Sand, or other Materials, for repairing the

Persons and Things exempted from Tolls.

said Roads hereby directed to be amended, or any Road in any of the Parishes or Hamlets wherein the same Roads hereby intended to be repaired, do lie, or in any of the next adjoining Parishes or Hamlets; nor for carrying or drawing through the said Gates or Turnpikes any Dung, Mould, Soil, Marle, or Compost, or any Manure or Kind whatsoever for the manuring of Lands; nor for any Horse, Mare, Gelding, Mule, Ass, Waggon, Wain, Cart, or other Carriage, carrying or drawing Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, not sold or disposed of, to be laid up in the Houses, Out-houses, Barns, or to be set up or stacked upon any Part of the Lands or Tenements of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use or Consumption, in the several Parishes or Hamlets, in which any of the said Roads lie, or in any of the next adjoining Parishes or Hamlets; or carrying or drawing any Ploughs, Harrows, or any other Implements of Husbandry, for the Tilling or Management of any Lands or Grounds in any of the said Parishes or Hamlets; nor shall any of the said Tolls be taken for any Coach, Chariot, or other Carriage, or any Passenger, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Denbigh, Flint, or Carnarvon, on the Day or Days of such Election; or from any Person or Persons passing or re-passing to or from their own Parish Church or Chapel, or any other Place of Religious Worship, on Sundays; or in conveying the Corpse of any Person to be interred in any of the said Parishes, or carrying or conveying any Person or Persons attending, or immediately returning from such Funeral; nor for any Horse or Horses, or other Beast or Cattle, going to Pasture or Watering-places; or for any Horses, Geldings, Mares, or Cattle, going to be shod, carried, or cured of any Lameness, Illness, or Distemper, or returning therefrom, or to or from Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands or Grounds lying within such several Parishes or Hamlets, wherein the said Roads hereby intended to be repaired, lie, or upon or in any of the Lands or Grounds lying within any such next adjoining Parishes or Hamlets; nor for any Post-horses, Mares, or Geldings, carrying the Mail or publick Packet; nor for the Horses, Mares, or Geldings, of any Soldiers passing on their March; nor for any Horse, Mare, Gelding, or other Beast, Waggon, Wain, or other Carriage, drawing or carrying, or employed in drawing or carrying

any

any of their Arms or Baggage on such Watch; nor for any Horse, Mare, Gelding, or other Beast or Carriage, drawing or carrying, or employed in passing and conveying of Vagrants travelling with lawful Passes; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as other Penalties are herein after directed to be applied.

Penalty on Persons making illegal Claims, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That the said Trustees for the Wrexham, Holywell, and Conway Districts or Divisions of the said Roads, shall meet on Friday the Seventeenth Day of June, One thousand seven hundred and fifty seven, at the Sign of the Antelope, in the Town of Holywell, in the said County of Flint; and also that the said Trustees for the Ruthin District or Division of the said Roads, shall meet on Monday the Twentieth Day of June, One thousand seven hundred and fifty seven, at the Sign of the Raven, in Ruthin; and that at such respective Meetings, the several and respective Trustees, so nominated and appointed for the said several and respective Districts or Divisions, shall and may adjourn themselves to such Time and Place in or near their respective Districts or Divisions, as they, or any Five or more of them, shall think proper; and shall at such their respective Meetings, proceed to the Execution of this Act; and shall and may then adjourn themselves, from time to time, to such Times and Places in or near their respective Districts or Divisions, as the said Trustees, or any Five of more of them, shall think proper, as often as it shall be necessary for the carrying into Execution the several Powers and Authorities in and by this Act granted to the Trustees within their respective Districts or Divisions; and if Three or more of such Trustees shall not appear at such Meeting or Meetings to act thereat, or to adjourn to another Day, then and in such Case, when and as often as it shall so happen, the Clerk or Clerks of such Trustees shall and may, by a publick Notice, in Writing, under his or their Hand or Hands, and to be affixed at or upon all and every the Turnpikes or Gates so to be erected, as aforesaid, within such District or Division, at least Ten Days before the next Meeting, appoint the said Trustees to meet at such convenient House or Place within the said respective Divisions, on that Day Three Weeks from the Day on which such general or

Times and Places of Trustees Meetings.

In Default of a sufficient Number to act, Notice to be given of future Meetings.

other

other Meeting was appointed to have been held; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, to adjourn themselves from time to time, to the next or any other Day, they, or any Five or more of them, shall appoint, after such Meeting or Meetings shall be so held, as aforesaid; and that at the First and all and every such other subsequent Meeting and Meetings, the said Trustees shall defray their own Charges and Expences; And no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising from, or by reason of, the Tolls hereby imposed; or such Person or Persons, so having or accepting of such Place, shall, from the Time of his or their said Acceptance thereof, be incapable of acting as a Trustee or Trustees during his or their Exercise or Enjoyment thereof.

Trustees to bear their own Expences.

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

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, within their respective Districts or Divisions, or any Five or more of them, at their First, or any other subsequent Meeting, by Writing under their Hands and Seals, shall and may, from time to time, elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby imposed and directed to be paid at the several Gates or Turnpikes to be erected in pursuance of this Act; and also One or more proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the Roads, or Parts of the Roads, hereby intended to be repaired and widened, as they the said respective Trustees, or any Five or more of them, shall think necessary or convenient for those Purposes (Ten Days publick Notice of such subsequent Meeting or Meetings, in Writing, being previously given, and fixed on all the Turnpike Gates to be erected by virtue of this Act, within such District, by the Order of the said Trustees, or any Two or more of them, for that Purpose;) And such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove and displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or die; Notice in Writing being also first given and fixed on all the Turnpike Gates, as aforesaid, of the Time and Place of such Meeting, at least Ten Days before such Election; and the Person and Persons hereby made liable to the Payment of the said Tolls, shall pay the same, after the Rates aforesaid, to such Person or Persons as shall, from time to time, be so appointed to

and remove them, and appoint others.

collect and receive the same: And the said Trustees, within their respective Districts, or any Five or more of them, may, and are hereby authorized and impowered, by and out of the Monies arising from the several Tolls to be collected within such District or Division, to contract for, allow, and pay, the several Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, to be respectively appointed, as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in the repairing or widening of the same Roads, or any Part thereof, such Salaries, Rewards and Allowances, for their Care and Services in those Respects, as to such Trustees, or any Five or more of them, shall seem reasonable and meet.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That all and every the Collectors, Clerks, Treasurers, Surveyors, and other Officers, aforesaid, and all and every other Person and Persons whatsoever, who shall have or receive any of the Monies to be raised, collected or received, by virtue of this Act, shall, from time to time, when and as often as thereunto required by the said Trustees within their respective Districts or Divisions, or any Five or more of them, produce, render, and give in, to such Trustees, or any Five or more of them, full, true, and fair Accounts, in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of their respective Accounts, shall appear to be in their respective Hands, to such Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, if required, shall, upon their several Oaths, or being of the People called Quakers, upon their respective solemn Affirmation, which said Oaths and Affirmations, such Trustees, or any Five or more of them, are hereby authorized and impowered to administer to such Officers and Persons respectively) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any of the Officers or Persons so accounting, or to account as aforesaid, being required

Officers to account upon Oath

Officers not making Account and Payment.

so to do, shall refuse or neglect to render or give in such Account or Accounts, as aforesaid, or to produce and deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items and Articles thereof upon their Oaths or Affirmations, as aforesaid, or shall refuse or neglect to pay such Money as, upon the Balance of their respective Accounts, shall appear to be in their respective Hands, to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall direct or appoint; that then, and in either of the said Cases, upon Application of such Trustees, or any Five or more of them, unto, and Proof, on Oath or Affirmation of One or more Witness or Witnesses made of such Offence or Offences, before any One or more Justice or Justices of the Peace of the County, Town, or Place, where such Offence or Offences shall be committed (which said Oath or Affirmation the said Justice or Justices is and are hereby impowered respectively to administer) the said Justice or Justices may, by Warrant under his or their Hand and Seal, or Hands and Seals, commit the Person or Persons so offending in any of the Cases aforesaid, to the Common Gaol of such County, Town, or Place, until he, she, or they shall submit to, and accordingly render such Account, and in Manner aforesaid; and also, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy such Sum or Sums as shall appear to be in the Hands of such Person or Persons, on the Balance of their respective Accounts, by Distress and Sale of his, her, or their Goods or Chattles; and for want of sufficient Distress, to commit such Person or Persons to the Common Gaol of the said respective County, Town, or Place, until Payment of what shall be due on their said respective Accounts: Provided, that it may be lawful to and for the said Trustees, within their respective Districts or Divisions, or any Five or more of them, in Meeting assembled, if they shall think fit, to compound, and accept a less Sum or Sums from such Person or Persons, than what shall be so really due from them, or any of them.

Justices to enquire into the Default,

and commit the Offender to Gaol;

or levy the Balance by Distress and Sale.

For want of Distress, Offender to be committed.

Treasurer to give Security.

And it is hereby further enacted, That the Treasurer or Treasurers to be appointed in the Execution of this Act, for the said respective Roads, shall, before he or they enter upon the said Office, give such Security for the Execution thereof, as to the said Trustees, or any Five or more of them, in Meeting assembled, shall seem meet.

And

And it is hereby further enacted, That the said Trustees, within their respective Districts or Divisions, or any Five or more of them, or the Surveyor or Surveyors by them appointed by virtue of this Act, or any other Person or Persons to be by them, or by the said Surveyor or Surveyors, appointed or employed in that Behalf, may and is and are hereby authorized and empowered to dig, raise, gather, take, and carry away, any Gravel, Sand, Stones, Furze, Heath, or any other Materials proper for the repairing and amending the said Roads, out of any River or Brook, or out of or from any Common or Waste Ground of any Parish, Town, Township, Village, or Hamlet, lying in or near the said Roads hereby intended to be repaired, without paying any thing for the same, or filling up and levelling all such Holes and Pits, where or from whence such Materials shall be digged, raised, gathered, or taken and carried away: And where there shall not be sufficient of such Materials in any River or Brook, or in any Common or Waste Grounds near adjoining to the said Roads to be amended, it shall and may be lawful to and for such respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any other Person or Persons to be by them, or any or either of them, in that Behalf employed, to enter into the several Grounds of any Person or Persons lying near the said Roads (not being a House, Garden, Orchard, Yard, Park, Meadow, planted Walk or Walks, or Avenue to any House) where any such Materials are to be found, and there to dig, raise, and gather the same; and, from time to time, to take and carry away such and so much thereof as they shall adjudge necessary, for repairing and amending the said respective Roads, paying such Rate for such Materials, and Damages, to the Owners or Occupiers of the said Grounds, where and from whence such Materials shall be digged, gathered, raised, taken, and carried away, as such Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between such Trustees, Surveyors, or Person or Persons so by them employed, and the said Owners or Occupiers, or any or either of them, concerning the Damages, the Justices of the Peace, within whose Jurisdiction such Damages shall happen to be done, shall, at their then next General Quarter Sessions of the Peace to be held for the County, Town, or Place, where such Damages shall arise (on Twenty Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner

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.

Justices to determine Differences.

or

or Owners, Occupier or Occupiers, in Writing, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families) hear, settle, and determine, the Value of such Damages, and order and direct the Payment and Satisfaction thereof; and their Judgement and Order therein shall be final and conclusive to all Parties, without any Appeal from the same.

What Ground to be deemed a Meadow.

Provided always, and it is hereby further enacted and declared, That no Ground where such Materials are to be found shall be deemed a Meadow, that hath been plowed within the Memory of Man.

Surveyors may remove Annoyances,

And it is hereby further enacted, That the said Trustees within their respective Districts or Divisions, or any Five or more of them, or the Surveyor or Surveyors to be by them so appointed, or any other Person or Persons to be by them appointed or employed, may, and is hereby authorized and impowered, from time to time, to remove and prevent all Annoyances, Nusances, and Obstructions, upon or in any Part of the Roads hereby intended to be repaired; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, or any of them, and make the same as deep and convenient as shall be reasonable and necessary; and to dig or cut, or cause to be digged or cut, any reasonable and sufficient new Drains or Ditches, in, through, or across, any Ground or Grounds, Lands or Places, adjoining or contiguous to the same Roads, or any of them, or any Part or Parts thereof; and to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads, or any of them; and to make, erect, or build, any Bridge or Bridges, Arch or Arches, of Stone, Brick, or Timber, in, or across, or near the same Roads, or either of them, or any Part or Parts thereof; and also to make, or cause to be made, any Ditch or Ditches, Trench or Trenches, in such Manner, and at such Place or Places, as such Trustees, or any Five or more of them, or as such Surveyor or Surveyors, shall judge necessary, for the better amending or keeping the said Roads in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, any Ground or Grounds adjoining or contiguous to any narrow or ruinous Part or

and cleanse Ditches, &c.

Parts of the said Roads, for the Use of all Passengers with Horses, Coaches, Carriages, or otherwise, as a Publick Highway, whilst the old, narrow, or ruinous Parts of such Roads are repairing or widening, and till such Time as it shall be convenient and safe for Passengers, with Horses and Carriages, to travel and go along the said Roads hereby intended to be repaired; making such reasonable Satisfaction to the Owners or Occupiers of such Ground or Grounds respectively, through which any such Drain or Drains, Trench or Trenches, shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along which any such temporary Road or Roads shall be made, for the Damages which such Owners or Occupiers shall or may respectively sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Tree or Trees, Bush or Bushes, shall be growing or standing in or upon any Part of the said Roads, or in the Hedges or Banks adjoining thereto, which shall not be topped or lopped, cut down or removed (as shall be thought most proper) by such Trustees, or any Five or more of them, within Seven Days after Notice in Writing, under the Hands of such Trustees, or any Five or more of them, or under the Hand or Hands of the Surveyor or Surveyors of the said Roads, for the time being, to be given to, or left for that Purpose, at the House of the Owner or Occupier of the Land, Hedge, or Bank, on which such Tree or Trees, Bush or Bushes, shall be growing; that then the said Surveyor or Surveyors shall and may lop, or top, or cut down, and remove the same (as shall be thought most proper) and make Sale thereof, or of any Part thereof, as he or they shall think fit, to defray the Charges of such lopping or topping, cutting or removing, and Sale, rendering the Overplus (if any such shall be) to the Owner or Occupier thereof, if demanded; and if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted, upon the Oath or Affirmation of One or more Witness or Witnesses, before the Trustees for the District or Division where the Offence shall be committed, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County, Town, or Place, where such Offence was committed (which Oath or Affirmation such Trustees, or any One or more of them, or the said Justice or Justices, is and are hereby impowered and required respectively to administer, without

making Satisfaction to the Owners of the Grounds.

Surveyors may [illegible]

Justices to determine Differences relating thereto.

Fee or Reward) shall, for every such Offence, forfeit and pay to such Trustees, or to their Clerk or Treasurer for the time being, the Sum of Twenty Shillings, to be recovered, levied, and disposed of, in Manner herein after-mentioned.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees appointed, or to be appointed, to put this Act in Execution within their respective Districts or Divisions, or any Five or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to enlarge, turn, alter, widen, or exchange, any Part or Parts of the said Roads, or any Way or Path into, or out of, the same, or to make any new Road or Roads contiguous or near the said Roads hereby directed to be repaired, or either of them, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful to and for such respective Trustees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, during the Continuance of this Act, to treat, contract, and agree with the several Owners or Occupiers of, or other Persons interested in, any Lands, Grounds, Tenements, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase or Exchange of any such Lands or Grounds, Tenements or Hereditaments, or for the Loss or Damage they, or any of them, shall or may any ways receive by such widening, enlarging, turning, exchanging, or altering, such Road or Roads, Way or Path; and out of the Tolls hereby granted within the District or Division where such Road or Roads shall happen to be or lie, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands and Grounds, Tenements and Hereditaments, and for such Loss and Damage, such and so much Money as shall be agreed upon between such Trustees, or any Five or more of them, and the said Owners or Occupiers, or other Persons interested therein, as aforesaid, to be paid for the Purchase or Exchange of such Lands or Grounds, Tenements or Hereditaments, as aforesaid, or for such Loss and Damage, together with the Costs and Charges attending such Agreement, Purchase, or Exchange: And such Lands and Grounds, Tenements and Hereditaments, when purchased or exchanged, as aforesaid, shall, by the Order and Direction of such Trustees, or any Five or more of them, be laid into, and made Part of, such Roads hereby intended to be repaired, or taken into the same, in such Manner as such Trustees, or any Five or more of them, shall think fit, and shall by them, or such Person or Persons as they

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

shall order or appoint, be sufficiently drained, ditched, fenced, and set out, for that Purpose; and after the said Lands and Grounds, Tenements and Hereditaments, shall be drained, ditched, fenced, and set out, the same shall be, for ever thereafter, to all Intents and Purposes, deemed and taken to be Part of such Roads, and to be a publick and common Highway, and kept in Repair as such by such Ways, and in such Manner, as the old or former Roads were, or ought to be, amended and kept in Repair by this Act, or any other Laws now in being; and after such Purchase or Exchange made, and such new Roads shall be made and completed, the Lands and Grounds comprized in, or constituting, the old or former Roads, in lieu whereof the Lands or Grounds, Tenements or Hereditaments, for such new Roads, shall be purchased or exchanged, and made, as aforesaid, shall be, and are hereby, vested in such Trustees, and shall and may be sold, exchanged, or disposed of, by them, or any Five or more of them, to such Person or Persons as shall be willing to purchase or exchange for the same, for the best Price that can be had or got for the same; and the Money arising from such Sale, Exchange, or Disposal, shall be applied and disposed of, for the repairing, amending, widening, and keeping in Repair, the Roads within such District or Division: And the Sale, Exchange, Conveyance, or other Alienations, to be made of the said Lands and Grounds, being executed by such Trustees, or any Five or more of them, shall be good and effectual in the Law against all Persons who may any way claim, to all Intents and Purposes.

and deemed as publick Highways.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

Provided always, That if any Coal, Lead Ore, or Copper Ore, or any other Ore or Mineral whatsoever, shall be discovered or found out in or upon any Part of the Lands so purchased as aforesaid, or in or upon any Part of such old Roads to be sold as aforesaid, in that Case, such Coal, Ore, or Mineral, so found, shall be reserved to the Person or Persons, Bodies Politick, Corporate, or Collegiate, who shall be intitled to such Coal, Ore, or other Mineral, as if this Act had not been made, with Liberty for him, her, or them, their respective Agents or Servants, to dig and prosecute the said Mine or Work in such Manner as is usual for carrying on Works of the like Kind in that Country, in as full and ample Manner as if the said Lands had not been sold for the Purposes aforesaid by virtue of this Act; such Person or Persons, their Agents or Servants respectively, so working for the said Coal, Ore, or other Mineral, to cause as little Damage and Inconvenience to the Road as possible, and to

Coal and Ore reserved to the Persons intitled.

fill

fill up all Pits and Holes, and to remove and level all Banks and Hillocks, that shall be made on account of the Work or Mine aforesaid; provided that the Person or Persons, Bodies Politick, Corporate, or Collegiate, shall before he, she, or they, begin to dig for such Coal, Ore or Mineral, lay out and make another proper and convenient Road, if necessary, for the passing of Carriages and Cattle, to the Satisfaction of the Trustees, or any Five or more of them, for the District or Division where such Coal, Ore, or other Mineral, shall be dug for.

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 it shall and may be lawful to and for any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, Corporation or Corporations, Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, for or on the Behalf of any Infants, Femes Covert, Cestuique Trusts, and all and every other Person and Persons whatsoever, who is or are, or shall be, seised or possessed of, or interested in, any Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree with the said respective Trustees, or any Five or more of them, for Satisfaction to be made them for the same respectively, or for any Part thereof, or for their respective Interests therein, and to sell, exchange, or convey the same, to, or with such Trustees, or any Five or more of them, for the Purposes aforesaid, as Occasion shall be or require; and that all such Contracts, Agreements, Sales, Exchanges, and Conveyances, so to be made, and all and every other Sales, Conveyances, Exchanges, and Assurances, to be made or executed to or with the said respective Trustees, or any Five or more of them, of any other Lands, Grounds, Tenements, and Hereditaments, in pursuance of this Act, and for the Purposes aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; and the several Lands, Grounds, Tenements, and Hereditaments, therein or thereby sold, exchanged, or conveyed, or intended to be sold, exchanged, or conveyed, and every Part thereof, and the Fee-simple and Inheritance thereof, shall be, and are hereby, vested in the said Trustees of the District or Division where such Sale or Exchange shall happen to be made, and their Heirs, for the Purposes aforesaid, without any Fine or Recovery, or further or other Assurance; any such Incapacity or Disability in the Party or Parties executing such Sales, Exchanges, Conveyances, or Assurances, or any Estate Tail, Remainder, or other Trust, Use, or Limitation, then subsisting, or affecting such Lands, Grounds,

Tenements,

Tenements, or Hereditaments, or any Politick, Corporate, Collegiate, or other Interest therein, or any Law, Statute, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And that all such Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, Cestuique Trusts, and all other Persons whatsoever, shall be, and they are hereby, indemnified for what they shall so do therein, or by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier of, or Body Politick, Corporate or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, shall, upon Ten Days Notice, in Writing, under the Hand of the Clerk or Clerks, for the time being, of the said Trustees for such District or Division, to be given him or them for that Purpose, or to be left at the Dwelling-house or last Place of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, or Hereditaments, so intended to be taken in or added to the said Roads as aforesaid, or into which such Way, Path, or Roads, shall be so turned or altered, as aforesaid, neglect or refuse to treat, or shall not agree with such Trustees, or any Five or more of them, in the Premisses, or shall, by reason of Absence, be prevented from treating; that then, in every or any of the said Cases, such Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, of One, some, or all of the Parishes or Places in which such Roads lie (which Oath such Trustees, or any One or more of them, are hereby impowered to administer) what Damages such Owners, Proprietors, or Occupiers of, or other Person or Persons interested or concerned in, such Lands, Grounds, Tenements, or Hereditaments, shall or may suffer or sustain for or by reason of the taking thereof into the said Roads, and what Recompence or Satisfaction they should respectively have for or on account thereof; and such Trustees, or any Five or more of them, are hereby authorized and required, from time to time, during the Continuance of this Act, as Occasion shall require, to summon or call before them, all or any Person or Persons whatsoever they shall think necessary or proper, to be examined as Witness or Witnesses touching the Premisses, and shall examine him, her, or them, before the said

Damages to be settled by a Jury.

Witnesses may be summoned and examined upon Oath.

Jury, upon Oath (which Oath such Trustees, or any One or more of them, are hereby authorized and required to administer) and they shall also order and cause the said Jury to view the Place or Places in Question, or use any other lawful Ways or Means, as well for their own as the said Jury's Information in the Premisses; and after the said Jury shall have inquired of, ascertained, and settled such Damages and Recompence, such Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers, of the said Lands, Grounds, Tenements, or Hereditaments, or other Person or Persons interested therein, according to such the Inquisition and Verdict of the said Jury; which said Verdict or Inquisition, and Judgement, Order, and Determination so had and made, shall be final and conclusive to all Intents and Purposes, to and against all Parties or Persons whatsoever, claiming any Right, Title, or Interest whatsoever, of, in, or to, the said Premisses or any Part thereof, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate and Collegiate, and all and every other Person and Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and other Person and Persons any ways interested in such Land, Grounds, Tenements, or Hereditaments, shall thereby and from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Interest, Property, or Claim, of, in, to, or out of, the same; And for the summoning and returning of such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County where such Lands, Grounds Tenements, or Hereditaments, shall respectively lie, thereby commanding him or them respectively to impanel, summon, and return, Twenty four indifferent Persons to serve on each such Jury, and to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant respectively shall be appointed; which said Sheriff is hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly, out of his respective Bailiwicks or Liberties, within the several Parishes, Townships, or Places, in which the said Roads hereby intended to be repaired and widened do lie, without Fee or Reward; and out of the Persons so impannelled,

Verdict of the Jury to be binding and conclusive.

Trustees may

Trustees to issue their Warrant to the Sheriff for returning a Jury.

nelled, summoned, and returned, or such of them as shall appear; and upon such Summons, such 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, the said Sheriff respectively, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend such Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and it is hereby declared and enacted, That all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges against any of the Jurymen, so to be summoned in pursuance of this Act, in such and the like Manner, as any Party to any Action brought, or to be brought, or depending, in any of his Majesty's Courts of Record at Westminster, may, or by Law, can do; and the said Trustees, within their respective Districts or Divisions, or any Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine on such Sheriff or Bailiffs, or his or their Deputy or Deputies, and Bailiffs respectively, making Default in the Premisses; as also on any of the Persons to be summoned, and not appearing, on such Jury or Juries, or after having appeared, for refusing to be sworn, or, after having been sworn, for refusing or not giving his or their Verdict upon the Matter in Question, or the Damages he or they shall be sworn to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and likewise to impose any Fine on any Person or Persons required to give Evidence or Testimony before such Jury aforesaid touching the Premisses, for refusing to appear, or, appearing, shall refuse to be examined, or give such Evidence or Testimony touching the same.

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

Provided also, and it is hereby further enacted, That no such Fine shall exceed the Sum of Forty Shillings for every respective Offence; and that the same, when imposed, shall be levied, recovered, and applied, in the same Manner as other Penalties and Forfeitures are hereinafter directed to be levied, recovered, and applied.

Fine not to exceed 40 s.

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction, so to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all Monies to be raised, received, or borrowed, for the Purposes of this Act, within the District or Division where such Lands,

Money allowed for Lands, how to be charged and rendered.

Grounds,

Grounds, Tenements, or Hereditaments, shall lie, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to them, and their Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to such Trustees for the time being, for the Use of the Person or Persons so intitled thereto; and after Five Days Notice thereof given to such Person or Persons, in Writing, under the Hand of such Clerk, it shall and may be lawful for such Trustees, or any Five or more of them, their Surveyors, Workmen, and Agents, to take into, and add to, such Roads, such Grounds or Lands, Tenements, and Hereditaments, and to do all and every such Act, Matter, and Thing, in relation thereto, and to ditch and fence out the same, as such Trustees, or any Five or more of them, shall think fit: And the said Ground or Lands, Tenements and Hereditaments, so taken in, or to be taken in, when so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and Part of such Roads; and for ever thereafter shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects, in such Manner, as other Highways and Roads are by Law repaired and kept in Repair.

Upon Payment, or Tender of the Purchase Money,

the Trustees may make use of the Lands.

Provided always, and it is hereby declared and enacted, That the Power and Authority hereby given to the said respective Trustees, as aforesaid, for widening, inlarging, exchanging, turning, or altering, the said Roads, shall not extend to the taking in or pulling down, injuring or damaging, of any Dwelling-house, Out-house, or Building, Yard, Garden, Orchard, Plantation, Nursery or Walk of Trees, Park, Paddock, or Avenue to any House, other than and except any Cottage or Cottages, with their Appurtenances, which now are, or during the Continuance of this Act, shall or may stand, or be erected too close or near the said Roads hereby intended to be widened, exchanged, turned, or altered, and kept in Repair, or shall or may be otherwise incommodious thereto, and which the said Trustees are hereby also authorized and impowered to contract for, purchase, and take in or down, for the Purposes aforesaid; making or tendering Satisfaction and Recompence for the same to the Owners or Occupiers thereof, to be ascertained, assessed, or settled, in Manner aforesaid.

Buildings, &c. not to be injured by this Act.

Provided also, and be it further enacted, That no Person or Persons shall sit or act as a Trustee or Trustees under this Act, in any Case relating to the contracting for, purchasing, or exchanging of any Lands, Grounds, Tenements, or Hereditaments, so to be taken into the said Roads, or any of them, where he or they is, are, or shall be concerned in Interest. Trustees not to act where interested.

And be it further enacted, That all Bridges and Causeways which usually and of Right are, and have been repaired, made, and erected, by the respective Counties wherein the same have situate and being, be still maintained, erected, and repaired, in like Manner as if this present Act had never been made; and also, that all Lands, Tenements, and Hereditaments, and all Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, and also all and every Person or Persons who are or shall be subject or liable to repairing Part or Parts of any of the said respective Roads, shall remain liable and chargeable to such Repairs; and all Persons shall do their respective Works in the Parishes or Places through which any of the said Roads do lead, in such Manner as such Persons ought to have done, in case this Act had not been made; and that it shall and may be lawful for any Five or more of the said respective Trustees, by their Surveyor or Surveyors, yearly, and every Year during the Continuance of this Act, to summon the Surveyor or Surveyors of the Highways for the respective Parishes or Places wherein any Part of the said Roads do lie, to deliver in Writing under their respective Hands, to the said Trustees respectively, or any Five or more of them, upon Oath, within Ten Days after such Summons (which said Oath such Trustees, or any One or more of them, are hereby impowered to administer) a List of the Names of all the Persons, who are obliged by Law to do Statute-work for that Year with Teams and Draughts, or otherwise, within such Parishes or Places respectively; and shall distinguish and set forth in such Lists the Number of Days Work which each Person ought to do on any of the said respective Roads in such Parishes or Places respectively; and also the Number of Teams and Draughts which each of them is liable to send to work on any of the said respective Roads by virtue of this Act, or any former Acts; and the said respective Trustees, or any Five or more of them, shall and may order and appoint how many Days Work shall be done in each Year by such Persons on any of the said respective Roads, so as no one Person shall perform more than Three Days Work thereon; Counties, &c. liable to the Repair of the Road, Bridges, &c. to continue so. Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

thereon; which said Statute-work shall be done by such Persons, at such Times, and in such Manner, and in such Parts of any of the said respective Roads within such respective Parishes and Places, as the said respective Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall, from time to time, direct and appoint; and the said Parish Surveyor or Surveyors, for the time being respectively, within Ten Days after Notice, shall, from time to time, be given to him or them by the said Turnpike Surveyor or Surveyors how many of the Persons so appointed, as aforesaid, are to perform the said Statute-work in or upon any Part of the said respective Roads, shall summon and give publick Notice thereof to such respective Persons; and if any Person, after such Notice as aforesaid, shall neglect or refuse to do such Statute-work, every such Person shall, for each Day's Default, forfeit the Sum of Ten Shillings for each Team and Draught; and every other Person liable to perform such Statute-work as a Labourer, shall forfeit the Sum of One Shilling and Six Pence for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to discharge such Persons; and in such Case, it shall be deemed as if such Person had not come or been sent to work; and the Person so discharged, or the Person or Persons on whose Behalf such Person so discharged shall have been sent to work, shall be liable to such respective Penalties as aforesaid; and in case any of the Surveyors of the Highways for any such Parish or Place, shall refuse or neglect to give in a List of the Names, as aforesaid, or to give such Notice to any of the said Inhabitants, or other Persons liable to do such Statute-work, for them to perform their Statute-work, as aforesaid, every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Penalty on Persons not performing Statute-work;

and on Surveyors, &c. neglecting to deliver in such Lists.

Provided always, and be it enacted, That it shall and may be lawful for the said respective Trustees, or any Five or more of them, to compound and agree, from time to time, with such and so many of the Persons liable to do Statute-work on any of the said respective Roads, as such respective Trustees, or any Five or more of them, shall think proper, for a certain Sum of Money by the Year, or otherwise, in lieu of the Statute-work to be performed by such Person or Persons; which Composition-money shall be applied in amending the Roads wherein such Composition shall be made.

Trustees may compound with Persons for Statute-work.

Provided

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish, Townships or Hamlet, wherein the respective Roads to be amended by virtue of this Act, do lie, shall not be paid within Ten Days next after the same shall become payable according to such Composition or Agreement, that then it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Place wherein such Composition shall be made, within his or their respective Jurisdictions, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Person authorized by the Trustees of the District or Division where such Composition shall be made, for the time being, or any One or more of them, to receive such Composition-money; and (Oath being first made that the same has been demanded, and remains unpaid, which Oath such Justice or Justices is or are hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons who shall so compound for, or in respect of, the said Statute or Days Work, or of the Surveyors of the Highways, for the time being, of such Parish, Townships or Hamlet, in respect of whose Statute or Days Work such Composition shall be made; returning the Overplus, after the Charges of such Distress and Sale thereout first deducted. Composition-money how to be recovered.

Provided always, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of or for such Parish, Townships or Hamlet, for which any such Composition shall be made for any Statute or Days Work, as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him, in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways. Surveyors, &c. paying the Composition-money to be reimbursed.

And be it enacted by the Authority aforesaid, That if any Person or Persons, to whom any Hedge or Hedges, Tree or Trees, standing or growing, or to stand or grow, in or by the Side or Sides of any of the several Roads hereby directed to be repaired, the Branches whereof do Persons neglecting to scour their Ditches, &c. after Notice given for that Purpose;

or

or shall hang over the said Roads, or any Part or Parts thereof, to the Prejudice or Annoyance of the same, or who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying in, or leading into, or out of, the said Roads, or any of them, or any Part thereof, shall not, in a proper Manner, cut the Overhangings of such Hedge or Hedges, Tree or Trees, and every of them, and well and sufficiently scour and cleanse such Ditches, Drains, and Watercourses, and every of them, or cause the same to be done, within the Space of Ten Days next after Notice in Writing shall be given to him, her, or them respectively, for that Purpose, or left at his, her, or their respective Place or Places of Abode, by Order of the Trustees of the Roads where such Offence or Default shall be committed, or any Five or more of them, or by the Surveyor or Surveyors, or either of them, by Order of such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to cause such Overhangings to be cut, and such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the Cutting, Scouring, and Cleansing the same; and to take, and carry away, and dispose of, such Overhangings, as they shall think fit: And if the said Person or Persons, upon Demand thereof to be made upon him, her, or them respectively, by the said Surveyor or Surveyors, shall not repay him or them the Money by him or them so paid, the same Sum of Money, and every Part thereof, may and shall, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town, or Place, where such Offence or Default shall be committed (who is hereby authorized and required to grant the same) be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, the Overplus (if any) of the Money to be raised by such Distress and Sale to be paid to the Owner or Owners of such Goods and Chattles, upon Demand; the said Money, and the reasonable Charges of such Distress and Sale, being first deducted and paid thereout.

Surveyors may set Men to cleanse the same;

and levy the Charge by Distress and Sale.

Penalty on drawing Timber otherwise than on Wheel-Carriages.

And be it enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, any Timber in, upon, or long, the Roads hereby intended to be repaired, or any Part thereof, otherwise than and except upon Wheels or Carriages, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Forty Shillings to the said Trustees, or their Treasurer for the time being.

And,

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, within their respective Districts or Divisions aforesaid, or any Five or more of them, from time to time, upon the Tolls hereby made payable, to borrow and take up at Interest any Sum or Sums of Money, they, or any Five or more of them, shall, from time to time, think necessary, for the speedy Repair of the said respective Roads; and they may, and are hereby authorized and impowered, from time to time, to assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, as a Security or Securities for the several Sums of Money which shall be so borrowed, and the Interest thereof, as aforesaid; which said Sum and Sums of Money, so to be borrowed and taken up (the Costs and Charges of such Assignment or Assignments, Mortgage or Mortgages, being first paid thereout) shall be laid out and applied in such Manner, and for such Purposes, as the said Tolls hereby granted are hereby directed to be applied and disposed of, and for no other Use or Purpose whatsoever. Trustees may borrow Money on the Credit of the Tolls.

Provided always, and it is hereby declared and enacted, That no Money shall be borrowed by the said respective Trustees, or any of them, on the Credit of this Act, or the Tolls hereby granted (except at the First Meeting of the said Trustees within their respective Districts or Divisions, herein after appointed to be had) unless Notice in Writing for that Purpose, under the Hand or Hands of such respective Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being, be fixed upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money. 14 Days Notice to be given of borrowing Money.

And it is hereby further enacted, That all and every Person and Persons, to whom the said respective Trustees, or any Five or more of them, shall so assign or mortgage the said Tolls hereby granted, for any Sum or Sums of Money by him, her or them lent on the Credit thereof, and his, her and their respective Assignee or Assignees may, and are hereby impowered, from time to time, to transfer or assign over such his, her, or their Security or Securities, and all the Money thereupon due, and all his, her, or their Right, Title, and Interest, in or to the same, to any Person or Persons whatsoever. Assignments may be transferred.

Entries to be made thereof.

Provided always, and be it further enacted by the Authority aforesaid, That regular and proper Memorandums and Entries of all and every such Assignment or Assignments, or Transfers, of any Securities of the said Tolls, to be made or executed in pursuance of this Act, either by the said respective Trustees, or their Assignees or Mortgagees, containing the Dates thereof, and of the Names, Additions, and Places of Abode, of the several Parties thereto, and the several Sums and Terms of Years therein mentioned and contained, and other the material Contents thereof, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, shall, from time to time, be made in Writing by the Clerk or Clerks of the said Trustees, within their respective Districts or Divisions, in a Book or Books, to be kept for the Business of the said Turnpikes, within the Space of Fourteen Days next after such Assignments, Transfers, or Securities shall be executed respectively.

All Creditors deemed as such in an equal Degree.

And it is hereby declared and enacted, That there shall be no Preference given to the Persons advancing any Part or Parts of the Money to be advanced on the Credit of any of the said Tolls, in respect of Priority of advancing his, her, or their Part or Parts thereof; but that all Lenders shall be, and are hereby declared to be, Creditors on the said Tolls, in an equal Degree, one with another.

Creditors not repaid, on Notice to the Clerk, to receive the Tolls, till paid the Principal and Interest.

And it is hereby further enacted, That in case the major Part in Number and Value of the Persons who shall lend and advance Monies on the Credit of the said Tolls, and who shall continue Creditors thereto, his, her, or their Executors, Administrators, or Assigns, shall be desirous to be repaid the Money due to them respectively, and shall deliver a Notice, in Writing, signed by him, her, or them, signifying such their Desire, to the Clerk or Clerks of the Trustees of that District or Division, at some general Meeting of such Trustees, or to any Five or more of such Trustees respectively, that then and in such Case, unless the Principal and Interest-money then due, or to grow due to them, on the Security of such Tolls, shall be fully paid or tendered to, and be refused by such Creditors, so signing such Notice, within Six Months after the Delivery thereof as aforesaid, it shall and may be lawful to and for the said Creditors to receive and collect, or cause to be received and collected, such Tolls by this Act granted, and to apply the same, rateably and proportionably, to the Payment of their Principal and Interest, until the same shall be discharged; and also that all or any of the other Creditor

or Creditors to or on the said Tolls, who shall not have given such Notice aforesaid, shall and may, at all Times, be at Liberty to give such Notice or Notices; and if Default shall be made in Payment of his, her, or their respective Principal and Interest-money, for the Space of Six Months next after such Notice or Notices given, that in such Case, such Creditor and Creditors respectively, shall and may, together with the other Creditor or Creditors who shall formerly have given Notices as aforesaid, receive or cause to be received the Tolls hereby granted, and to him, her, or them respectively assigned, and apply the same proportionably, with such other Creditor or Creditors, in Discharge of their respective Demands.

Roads to be measured and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall and may, and are hereby authorized and required to cause the said respective Roads hereby intended to be amended, to be measured, and Stones or Posts to be erected or set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance from one Place to another, as to them shall seem meet: And if any Person or Persons shall wilfully or maliciously break, or dig, or pull up, injure, or destroy, any of such Stones or Posts, so to be erected or set up, or shall erase, obliterate, or deface, any of the Words, Letters, Figures, or Marks, that shall be engraved or inscribed thereon, and shall be convicted thereof, either upon his or her own Confession, or by the Oath or Affirmation of One or more credible Witness or Witnesses, before the Trustees of the District or Division where the Offence shall be committed, or any Five or more of them, or before any Justice of the Peace for the County, Town, or Place, where such Offence shall be committed (which Oath or Affirmation such Trustees, or any Two or more of them, or the said Justices are and is hereby impowered and required respectively to administer;) every such Person so offending shall respectively forfeit and pay the Sum of Forty Shillings, for each Stone or Post so wilfully or maliciously broken, digged or pulled up, erased, obliterated, or defaced, to be levied by Distress and Sale of his or her Goods and Chattles, by Warrant under the Hands and Seals or Hand and Seal of such Trustees, or any Five or more of them, or of such Justice, before whom such Conviction shall be made; which Forfeiture shall be laid out and applied in repairing the Stones or Posts so broken, digged or pulled up, erased, obliterated,

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

obliterated, or defaced, or in supplying new ones in their stead: And if there shall be any Overplus of such Forfeiture, the same shall be laid out in repairing and widening the said Roads; and in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles to levy the said Forfeiture or Forfeitures upon, then it shall and may be lawful to and for such Trustees, or any Five or more of them, or such Justice of the Peace, as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender or Offenders to the Common Gaol of the respective County or Town where such Offence shall be committed, for the Space of One Calendar Month from the Date of such Commitment, and not to be thence discharged until Payment of the said Forty Shillings, or the Expiration of the said Calendar Month.

For want of Distress Offender to be committed.

And be it further enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures by this Act imposed, or to be incurred thereby, the Manner and Method of levying and recovering whereof is not hereby otherwise prescribed or directed, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said respective Trustees, or any Five or more of them, or of One or more of His Majesty's Justices of the Peace for the County, Town, or Place, respectively, where such Offender or Offenders shall live, either upon the Confession of such Offender or Offenders, or upon the Oath or Affirmation of One or more Witness or Witnesses (which Oath or Affirmation the said respective Trustees, or any Two or more of them, or such Justice or Justices, respectively, is and are hereby authorized and required to administer) and to grant out his or their said Warrant or Warrants thereupon accordingly; and the said Fines, Penalties, and Forfeitures, when recovered, shall, from time to time, be paid to the Trustees of the District or Division where the same shall be incurred, or to their Treasurer or Treasurers for the Time being, to be laid out and applied in and towards the repairing, widening, and keeping in Repair, the Roads hereby intended to be amended, or in making or taking in any new Road or Roads, as aforesaid, where the Offence or Offences, for which such Fines, Penalties, and Forfeitures, were incurred respectively, shall be committed.

Penalties and Forfeitures how to be recovered and applied.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That the Overplus of the Money which shall be levied by Distress and Sale as aforesaid, after Payment or Deduction of the respective Fines, 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 Owner or Owners of the Goods and Chattles, or Effects, which shall be so distrained and sold: And if no Goods, Chattles, or Effects, of the Person or Persons who shall incur such Fines, Penalties, and Forfeitures, can be found or had sufficient to answer the same, and the Charges of such Distress and Sale, as aforesaid; then, and in such Case or Cases, such Justice or Justices, or such Five Trustees respectively, may, and is and are authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the said respective County, Town, or Place, where such Person or Persons shall live or reside, for any Time not exceeding One Calendar Month for the First Offence, or until such Fines, Penalties, or Forfeitures, and the Charges of such insufficient Distress (if any such be made) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Three Months.

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

For want of Distress, Offender to be committed.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any thing done in pursuance of this Act (for which no other Method of Relief hath been already appointed) such Person or Persons may appeal to the Justices of the Peace for the respective County, Town, or Place, within whose respective Jurisdictions the Matter or Cause of such respective Complaint or Appeal shall arise, at the then next General Quarter Sessions of the Peace to be held for such County, Town, or Place, after Ten Days Notice given in Writing of such Appeal, and of the Cause or Matter thereof, to the Person or Persons at or upon whose Oath or Oaths, Affirmation or Affirmations, or Instance, the Judgement, Order, or other Matter or Cause of such Appeal, shall have been made, done, or awarded, and also to some or One of the Collectors or Receivers of the Tolls, at some or One of the Gates or Turnpikes to be erected in pursuance of this Act, in the District where such Matter of Appeal shall arise; and such respective Justices, at their said respective General Quarter Sessions,

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Sessions, may, and are hereby authorized and required, upon due Proof of such Notices having been given, as aforesaid, to proceed in, and hear and determine, the Matters and Causes of such Complaints or Appeals, in a summary Way, and to make, give, and award, such Judgements, Adjudications, Orders, and Directions, therein, either with or without Costs, to any or either of the Parties concerned, as they shall think fit and reasonable,

Proceedings not to be quashed for want of Form,

Provided also, and it is hereby enacted and declared, That no Order, Conviction, Record, or other Proceeding or Proceedings, to be made or had by or before such Justices, at their said respective General Quarter Sessions, or by or before any such other Justice or Justices originally or out of Sessions, or by or before the said Trustees, or any of them, touching the Conviction of any Offender, or touching any Offence against this Act, or the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, until such Order or other Proceeding shall have been first removed to, and Judgement and Determination given and made thereupon, by the said General Quarter Sessions of the Peace for the said respective County, Town, or Place, as aforesaid, and until the Person or Persons who shall sue out or prosecute such Writ or other Process, for that Purpose, shall enter into a Bond, or other Security, with Two sufficient Sureties, in the Sum of Fifty Pounds, to the Person or Persons in whose Favour such Order, Conviction, or Judgement, shall be made, conditioned for the prosecuting the same with Effect, and for Payment of the Costs and Charges to be awarded by the Court, into which such Proceedings shall be removed, to the Party or Parties aggrieved by such Removal, in case the same shall not be prosecuted, or such Conviction, Order, or other Proceedings, shall be confirmed.

nor removeable by *Certiorari*,

until Security given to prosecute.

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 granted and given, shall commence and have Continuance from the First Day of June, in the Year of our Lord One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Provided

Provided always, and it is hereby further enacted by the Authority aforesaid, That full, true, and particular Accounts and Entries of all the Monies that shall be collected or received, laid out, expended, or paid, by virtue of this Act, and all Orders and Proceedings of the said respective Trustees, shall be entered in a Book or Books to be kept for that Purpose; and such respective Orders so entered, shall be signed by the Clerk or Clerks to the said respective Trustees, at any Meeting of Five or more of them; and such Orders shall be deemed and taken as original Orders, and the same as if under the Hands and Seals of Five or more of the said Trustees: Which said Book or Books, and also the Books directed to be kept for registering the said Assignments, Transfers, or Mortgages, shall and may be produced and read in Evidence, in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance or by Authority of this Act. Proceedings to be entered in Books.

Books may be produced, and read in Evidence.

Provided also, That no Nomination, Appointment, Information, Oath, Affidavit, Order, Judgement, Conviction, or Warrant, or any Mortgage or Assignment of the said respective Tolls or Duties, or any Transfer or Assignment of such Mortgage or Mortgages, or any Writing whatsoever, touching, concerning, or relating to, the Execution of any Power or Authority hereby vested in the said Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That when and so often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees of the District or Division wherein such Trustee or Trustees shall die, remove, or refuse to act, or any Five or more of them, in Meeting assembled, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons of the particular Capacity, Qualification, and Description, herein after mentioned, in the Room or Rooms of such Trustee or Trustees so dying, removing, or refusing to act; and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving and remaining Trustees for the Execution of this Act; but Notice in Writing, of the Time, Place, and Intent, of such Meeting for the Election of all and every such new Trustee or Trustees, shall be signed On Death or Removal, others to be chosen.

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

signed and fixed by the Clerk or Clerks of such Trustees, upon all and every the Turnpike or Turnpikes to be erected by virtue of this Act, in such District or Division, at least Ten Days before such Meeting; or otherwise the Election of such new Trustee or Trustees shall be void: And all and every such Person and Persons so qualified, and chosen and appointed, to be joined with such surviving and remaining Trustees, shall and may, and is and are hereby authorized and impowered to act, in the Execution thereof, in as full, large, and ample Manner, to all Intents and Purposes whatsoever, as the said Trustees hereby nominated and appointed, are hereby impowered to do, when and as often as Occasion shall require.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee or Trustees hereby nominated or appointed, or hereafter to be nominated, chosen, or appointed, to put this Act, or any of the Powers therein, in Execution, shall act, or be authorized or impowered to do any Act therein, or under the same, except at a Meeting or Meetings to be held in pursuance of this Act.

Qualification of Trustees.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in any Case under this Act, or in the Execution thereof, 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, and the Interests of Monies secured or charged by Mortgage, or otherwise, thereon, within some or One of the Counties wherein the said Roads hereby intended to be repaired, or some or One of them, do lie; or unless such Person shall be Heir Apparent of some Person having such an Estate there of the yearly Value of One hundred Pounds; or shall be possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; and unless the Person (not being Heir Apparent as aforesaid) claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath or Affirmation following, before any Two or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act as a Trustee under this Act, or in the Execution of the Powers and Authorities thereby

Trustees to take the Oath following, before they act.

thereby granted and given; which said Oath or Affirmation shall be in the Words, or to the Effect following; that is to say,

I *A. B.* do swear, or being a *Quaker*, do solemnly affirm, That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or that I am possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the clear Amount or Value of One thousand Pounds. The Oath.

So help me God.

And if any Person shall be deemed unqualified, or made incapable to act, for all or any of the Causes aforesaid, and shall nevertheless presume so to do, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to such Person or Persons who shall or will inform or sue for the same; and 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 Proof of such his Estate or Qualification shall lie and be incumbent on the Defendant therein. Penalty on Persons acting, if not qualified.

Provided also, and it is hereby further enacted by the Authority aforesaid, That if any Trustee or Trustees hereby appointed, or to be appointed, to put this Act in Execution, is or shall be a Justice or Justices of the Peace for any County, Town, or Place, such Trustee or Trustees shall and may, nevertheless, act as a Justice or Justices of the Peace within his and their respective Limits and Jurisdictions, for the more speedy and effectual Execution of the several and respective Powers and Authorities hereby given them, notwithstanding their so being a Trustee or Trustees, as aforesaid. Trustees who are in Commission of the Peace, may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, in every such Case, such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid Limitation of Actions.

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or brought in the respective County in which such Fact shall be done or committed, and not elsewhere; and the Defendant or Defendants, in such Action or Suit so to be brought, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance, and by the Authority, of this Act: And if it shall appear so to be done; or that such Action or Actions shall be brought after the Time herein before limited for the bringing thereof, or shall be laid in any other County or Place than where the Fact was done or committed; that then the Jury shall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, whereby it shall appear such Suit was prosecuted against such Defendant or Defendants, for Matters contained in this Act; and shall have such Remedy for the same, as any other Defendant or Defendants hath or have, or may have, by Law in other Cases.

General Issue.

Treble Costs.

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

FINIS.