Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening the Road from the *Swan Inn* at *Leatherhead*, to the *May Pole* at the Upper End of *Spital* or *Somerset Street*, in the Parish of *Stoake*, near the Town of *Guldeford* in the County of *Surrey*.

WHEREAS the Road leading from the Swan Inn at Leatherhead, in the County of Surrey, through the Parishes of Leatherhead, Fetcham, Great Bookham, Little Bookham, Effingham, East Horsley, West Horsley, East Clandon, West Clandon, and Merrow, to the May Pole at the upper End of Spital or Somerset Street, in the Parish of Stoake, near the Town of Guldeford in the said County of Surrey, is in a ruinous Condition, and in many Places very narrow and incommodious, and the said Road cannot by the ordinary Course appointed by the Laws in being, be effectually repaired and widened; 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 Arthur Onslow Speaker of the House of Commons, the Right Honourable George Lord Viscount Midleton, in the Kingdom of Ireland; the Right Honourable Frederick Lord Baltimore, in the Kingdom of Ireland; the Right Honourable George Lord Carpenter, Preamble. Trustees Names.

Carpenter, in the Kingdom of Ireland; the Right Honourable Sir Conyers D'Arcy Knight of the Bath, the Honourable Sewallis Shirley, the Honourable Thomas Howard, the Honourable Henry Grenville, the Honourable Edward Boscawen, the Honourable Thomas King, Sir Francis Vincent, Sir John Evelyn, Sir John Elwill, Sir More Molyneux, Baronets; Robert Austen, Edward Astley, Esquires; Swithin Adee M. D. Alexander Akehurst Gentleman, Thomas Budgen, Cecil Bishopp, William Belchier, Thomas Bridges, Francis Beckford, George Ballard, Esquires; Edmund Brewer, Charles Burdett, Reeve Ballard, Thomas Bonny, Bickerton, Broughton, Bootham, Clerks; Abraham Chambers, William Cooke, Esquires; John Chandler Gentleman, Delavergne, Richard Dalton, Esquires; Thomas Duncombe Clerk, John Evelyn, Frederick Evelyn, William Evelyn, Samuel Egerton, Esquires; Edward Emily Gentleman, Gerrard Dutton Fletewood, Weston Fullerton, Solomon Fell, Esquires; John Fulham, John Fullerton, Clerks; Francis Geary, Henry Gore, William Mann Godschall, Edward Garthwaite, Esquires; Joseph Greenhill Clerk, Major General George Howard, Hull, Henry Hill, Esquires; William Haydon Gentleman, Theodore Jacobson Esquire, Cornelius Jeale Clerk, Peter King, George Fox Lane, Robert Lane, Esquires; Robert Laxton Clerk, James More Molyneux Esquire, R. Mitchell M. D. William Murden Clerk, John Martyr Gentleman, Edward Northey, George Onslow, Esquires; Lieutenant General Richard Onslow, Major George Onslow, John Osborn Clerk, John Parsons, John Pennant, John Pennant junior, Richard Pennant, Henry Roker, Esquires; John Pearsall Clerk, Edmund Shallet, Thomas Smith, Joseph Shaw junior, George Sturt, Richard Dickson Skrine, Samuel Sharp, William Smith, Lee Steere, Esquires; James Shrubb, John Shotter, Tuer Smith, John Skeet, John Street, Gentlemen; Henry Talbot, Charles Tryon, Nicholas Turner, Esquires; Thomas Tegg Gentleman, Thomas Urry, Henry Weston, Edmund Waller junior, Walsh, George Woodrosse, George Warren, Philip Carteret Webb, Esquires; Edward Waterer Gentleman, Henry Warner Clerk, the Mayor and Magistrates of Guldeford for the time being, shall be, and they and their Successors, to be elected in manner as is herein after mentioned, are hereby appointed Trustees for repairing, widening, and keeping in Repair, the said Road, and for putting in Execution all the Powers by this Act granted.

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And

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, of the Value of Eight hundred Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds: And if any Person or Persons, not being so qualified, shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Qualification of Trustees.

Penalty on Persons acting, if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the White Hart Inn at Great Bookham aforesaid, on the Fourteenth Day after the Day of the passing of this Act, and shall then proceed to the Execution of this Act; and shall then, and, from time to time, afterwards, adjourn themselves, and meet at the same or such other Place or Places in or near the said Road, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And if at any Meeting or Meetings so to be appointed, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk to the Trustees shall, from time to time, by publick Notice in Writing to be affixed upon all the Turnpikes at least Ten Days before the next Meeting, appoint the Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Expences.

Times and Places of Trustees Meetings.

In Default of a sufficient Number to act;

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Determinations

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

of the said Trustees in Execution of any of the Powers hereby granted, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be valid unless the Majority of the Trustees present at such Meetings shall concur therein, such Majority not being less than the respective Numbers in this Act authorized to make such Orders or Determinations.

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

Provided also, That no Person shall be capable of acting as a Trustee during such Time as he shall hold any Place of Profit under this Act, or in relation thereto.

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

And be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for the said County, shall and may act nevertheless as Justices of the Peace in the Execution of this Act.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, refuse to act, or become disqualified, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so dying, or refusing to act, or becoming disqualified: But Notice of the Time and Place of Meeting for every such Election, shall be affixed in Writing upon all the Turnpikes, at least Ten Days before every such Meeting; and all Persons, who shall be so chosen, shall be joined with such surviving or remaining Trustees, and are hereby impowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as if such Persons had been particularly named in and appointed Trustees by this Act.

Notice to be given of future Elections of Trustees.

Trustees may erect Turnpikes and Toll houses, &c.

and take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Turnpike or Turnpikes in, upon, or across the said Road, and also to be erected or provided a Toll-house at or near each Turnpike; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Nine or more of them, shall from time to time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse, Mule, or Ass, laden or unladen, One Penny.

For every Chaise, Cart, Dray, or Carriage, drawn by One Horse only, Two Pence.

For

For every Coach, Chariot, Calash, or Chaise, drawn by Two or more Horses, Six Pence.

For every Waggon not laden with Hay or Straw, Six Pence.

For every Waggon laden with Hay or Straw, Three Pence.

For every Cart, Dray, or other Carriage, laden with Hay or Straw, or other Goods, Two Pence.

For every Drove of Oxen or Neat Cattle, after the Rate of Two Pence per Score.

For every Drove of Calves, Hogs, Sheep, or Lambs, after the Rate of One Penny per Score.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; 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, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Carriage upon which any such Toll is by by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Carriage, or Goods so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, and of detaining and keeping the same, and also by such Sale, shall be deducted; and that all the Tolls collected or levied shall be, and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That such and the same Tolls, and no more, shall be paid for each Pair of Oxen, Steers, and Heifers, yoaked together, and drawing abreast, as shall be paid for One Horse; any thing herein contained to the contrary notwithstanding.

Like Tolls to be paid for each Pair of Oxen, &c. drawing abreast, as are paid for One Horse.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected or provided One or more Turnpike or Turnpikes, Toll-house or Toll houses, on the Side or Sides of the said Road, and also any

Trustees may erect Side Gates,

Lane

and take Tolls thereat.

Lane or Way leading into the same, and to cause such Tolls to be collected and levied at such Turnpikes as are by this Act made payable upon the said Road, so as the same do not extend to a double Charge upon any Person for passing through any other of the said Turnpikes.

No Toll to be paid for crossing the Road only.

Provided always, That no Toll shall be taken at any Turnpike erected by virtue of this Act for any Carriage or Cattle which shall only cross the said Road.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk; or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

No Turnpike to be removed but by Order of 7 or more Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike which shall have been erected by virtue of this Act, shall be taken down or removed to any other Place on the said Road, unless by Order of the said Trustees, or any Seven or more of them, assembled at a Meeting; and unless Ten Days Notice in Writing shall be affixed upon all the said Turnpikes, and the Intention to take down or remove any such Turnpikes, shall be set forth in such Notice; any thing herein contained to the contrary notwithstanding.

Proviso.

Provided also, That no Turnpike or Turnpikes shall be erected or set up by virtue of this Act, in the Parish of Leatherhead, or within One Mile thereof.

Charges of passing this Act, to be first paid.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or the Monies to be borrowed upon the Credit thereof, as is herein after mentioned, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to the obtaining this Act; and afterwards such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, and keeping in Repair the said Road, and of executing the Purposes of this Act; and to no other Purpose whatsoever.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees,

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

and raise them again, if necessary.

rees, or any Eleven or more of them, assembled at a Meeting, with the Consent of the Mortgagee or Mortgagees, or other Creditors, to lessen all or any or either of the said Tolls at any Time hereafter, and for such Time as they shall think proper; but Notice in Writing shall be fixed upon all the Turnpikes, at least Fourteen Days before the holding of such Meeting, and the Intention to lessen the said Tolls expressed in such Notice; and such Tolls so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross and on the Sides of the said Road, and cross any Lane or Way leading into the same; but all and every such Person or Persons, after having paid Toll Once, and upon producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through all the said Turnpikes; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of the Toll.

Trustees may compound with Persons for Statute-work.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby impowered to compound by the Year, or otherwise, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, near or through which the said Road leads, for the passing of their Carriages or Cattle through all or any of the said Turnpikes; which Composition money shall be instantly paid, and shall be applied in the same Manner as the said Tolls are directed to be applied.

Persons and Things exempted from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going unloaden for, or returning loaden only with, Stones, Gravel, or other Materials for repairing of the said Road, or any Highway in any of the Parishes through or into which any Part of the said Road leads, or in any of the neighbouring Parishes, or going unloaden for, or returning loaden only with Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or other Places belonging

to any of the Inhabitants of any of the said respective Parishes; or going unloaden for, or returning loaden only with, any Chalk, Lime, Dung, Mould, or Compost of any Nature or Kind whatsoever; or going unloaden for, or returning loaden only with, Bricks, Lime, Stone, Plaister, Timber, or other Materials, for building or repairing any Church, Chapel, House, Outhouse, Barn, Stable, or Hovel, within any Parish where such Bricks, Lime, Stone, Plaister, Timber, or other Materials, were made, gotten, or felled; nor for any Carriage or Cattle going for, or passing with, any Plough, Harrow, or other Implement of Husbandry only, which shall belong to the Inhabitants of any of the Parishes through or into which the said Road leads; nor shall any Toll be demanded or taken for any Post-House carrying the Mail or Packet; nor for any Horse which shall be used only to ride on by the Driver of any Pack Horses, Waggon, Cart, or Carriage, which shall pass through any of the said Turnpikes with such Pack Horses, Waggon, Cart, or Carriage; nor for any Cattle going to or from Water or Pasture; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Surrey, during the Time of such Election, or on the Day before or Day after such Election shall begin, or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit the Sum of Forty Shillings.

Penalty on Persons making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Cattle or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly or willingly permit or suffer any Person or Persons with any Cattle or Carriage whatsoever to pass through the same, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons (except the Collectors of the Tolls) or forge or counterfeit any Ticket.

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

counterfeiting Tickets, &c.

Ticket, by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse or other Cattle, without Payment of Toll, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, or Cattle, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

or taking off Horses, &c.

to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the said Tolls, in such Manner as they shall think proper, to borrow and take up, at an Interest not exceeding Four Pounds Ten Shillings per Centum per Annum, such Sum and Sums of Money as they, or any Nine or more of them, shall think needful; and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed, shall be applied in such Manner as the said Tolls are hereby directed to be applied; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees: But no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by

Tolls may be assigned for Money borrowed.

Copies of Assignments of the Trustees to be entered in Books.

14 Days Notice to be given of borrowing Money.

Assignments may be transferred

by any other Writing or Writings under his, her, or their Hands and Seals, duly executed in the Presence of Two or more credible Witnesses, to assign over his, her, or their Right to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; all which Assignments shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment, to make void, release, or discharge the same, or any Monies thereon due.

Entries to be made of all Assignments.

Clerk's Fee.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officer or Officers as they shall think necessary or convenient, and shall take such Securities for the due Execution of their respective Offices as they shall think fit; and may remove such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, and appoint others in their Stead (but Fourteen Days Notice at the least shall be given of every such Meeting upon all the said Turnpikes) and may and are hereby impowered, out of the said Tolls, or the Monies to be borrowed on the Credit thereof, to allow to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be assisting in or about repairing, widening, or altering the said Road, or executing this Act, such Salaries, Rewards, and Allowances, as to them the said Trustees, or any Nine or more of them, shall seem reasonable or convenient.

and displace them, and elect others.

Trustees to allow Officers Salaries.

Provided always, That no such Collector of the Tolls shall gain a Settlement in any Parish or Place by reason his being appointed such Collector.

No Collector shall gain any Settlement.

And

And be it further enacted by the Authority aforesaid, That all Persons whatsoever, who shall receive or be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at such Time and Times, and in such Manner, as the said Trustees, or any Seven or more of them, or such Person or Persons as they shall appoint, give a true and perfect Account in Writing under their respective Hands, of all the Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes, such Monies have been applied, together with the proper Vouchers for such Payments; and shall pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Seven or more of them, shall direct and appoint; and that all the said Officers and Persons so accounting as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts, and the particular Articles thereof; and if any such Officer or Person being required so to do, shall refuse or neglect to give a true and perfect Account in Writing, as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon his Oath, or shall refuse or neglect to pay over in Manner as aforesaid, all the Monies which shall appear to remain in his Hands; in each, any, or either of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the County, Division, or Place, where such Officer or Person shall be or reside, and such Justice or Justices upon Complaint thereof to him or them made, is and are hereby required to make Inquiry concerning such Default, as well by Confession of the Party, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the County, Division, or Place, there to remain, without Bail or Mainprize, until he shall give a true and perfect Account, and verify the same, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Seven or more of them, and shall have

Officers to account upon Oath.

Officers not making Account and Payment,

Justices to enquire into the Default,

and commit the Offender to Gaol;

until he shall conform,

or compound with the Trustees.

have paid such Composition to such Trustees, or to any Five or more of them, or to their Appointment; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

Collectors may be removed for Neglect of Duty, &c.

Provided always, That it shall be lawful for any Five or more of the said Trustees, at any Time or Times, when they shall not be assembled at any Meeting to be held in pursuance of this Act, to remove any Collector of the Tolls for Fraud, or Neglect of Duty, in his Office; and in case of such Removal, and also as often as any Collector shall die or be incapable of performing his Duty, to appoint another Person to collect such Tolls, and such Person shall continue to collect the same, until the said Trustees shall, at a Meeting to be held in Manner herein before mentioned, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Clerk to deliver up Writings to the Trustees.

And be it enacted by the Authority aforesaid, That if any Clerk or other Officer to the said Trustees, shall refuse or neglect to deliver up to such Trustees, or any Five or more of them, within Seven Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, it shall be lawful for such Trustees, or any Five or more of them, by Warrant under their Hands, to commit such Person or Persons to the Common Gaol of the County wherein such Offence shall be committed, there to remain without Bail or Mainprize, until he shall deliver or cause to be delivered to the said Trustees, or any Five or more of them, or according to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Seven or more of them, as they shall think reasonable, concerning the same.

Victuallers, &c. not to have a Place Profit.

And be it further enacted by the Authority aforesaid, That all Persons during the Time they shall sell Ale, Wine, Brandy, or other Spirituous or Fermented Liquors, by Retail, shall be incapable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, and such other Persons as shall be employed by him or them for that Purpose, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Road, in, upon, out of, and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, through which any Part of the said Road leads, or in any neighbouring

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ing Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of such Materials cannot be found in or upon such Grounds or Commons, Rivers or Brooks, then to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flints, Gravel, Sand, or other Materials, proper for the Repair of the said Road, in, upon, or out of, from, and over the Lands, of any Person or Persons where the same may be had (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House or any inclosed Grounds, planted and set apart as a Nursery for Trees) they the said Surveyors, or other Persons aforesaid, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be cut, digged, gathered, and conveyed, and over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of private Grounds over which any such Materials gotten in any Waste Ground, Common, River, or Brook, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be so taken; and in case of any Difference between the said Trustees, Surveyors, or other Persons, employed as aforesaid, and the said Owners or Occupiers, concerning such Damages, the Justices of the Peace at their General Quarter Session to be held for the County, Division, or Place, wherein such Lands are situate, within Four Months after such Difference shall arise, and on Six entire Days Notice thereof to be given by such Surveyor or Surveyors to the said Owners or Occupiers, or by them to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear and determine the said Damages; whose Order therein shall be conclusive to all Parties.

without paying any thing 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 Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise,

Surveyors may remove Annoyances,

otherwise, and also to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, to
scour Ditches, the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary;
lop or top Trees; and to cut down, lop or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case
the Owners neglecting to remove the same, after Notice. the Owners or Occupiers of the Premisses shall neglect to remove the same, or to lop or top, or to cut down and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses, or Ditches, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be settled by the said
Surveyors to be reimbursed the Charges, Trustees, or any Five of them, shall be reimbursed to such Surveyor or Surveyors by the Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and
Penalty for the Second Offence. if, after Removal of any of the said Annoyances, any Person shall again offend in the like kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors may make Causeways, And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Nine or more of them, to make or cause to be made Causeways and Drains in and upon the said Road, and also through
erect Bridges, &c. any Ground lying contiguous thereto; and to erect, widen, alter, or repair, any Bridge or Bridges, Arch or Arches, upon the said Road, or cross any such Ditch or Drain, where necessary; and also to put up any Posts or Bars on any such Bridge or Bridges, to prevent Horses and Carriages passing over the same during such Time as the said
and make a temporary Road; Surveyor or Surveyors shall think proper; and also to make or cause to be made a Road through the Grounds adjoining to any narrow or ruinous Part of the said Road (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages, as a publick Highway whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass through
making Satisfaction, &c. the same; making such Recompence to the Owners and Occupiers of the Ground respectively through which any such Drain, or temporary Road shall be made, or on which any

any such Arch or Bridge shall be erected, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Nine or more of them; and in case of any Difference concerning the same, or concerning the turning and conveying any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, between any Person or Persons and the said Trustees, that then it shall be lawful for the Justices of the Peace, assembled at their General Quarter Session, to be held for the County, Division, or Place, wherein such Ground is situate, within Four Months after such Difference shall arise, finally to determine such Difference, and adjudge what Recompence shall be made to such Owners or Occupiers for such Damages. Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall think proper to widen, turn, or alter any Part or Parts of the said Road, it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby impowered, from time to time, to contract and agree with the several Owners, Occupiers of, and Persons interested in, any Lands or Hereditaments lying contiguous or near to the said Road, for the Purchase of any such Lands or Hereditaments, or for the Loss or Damage such Owners, Occupiers, and Persons interested, shall thereby sustain; and out of the said Tolls, or the Money to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and for such Loss or Damage, and also the Charges attending such Agreement and Purchase; and it shall be lawful for all Bodies Politick or Corporate, Corporations, Aggregate or Sole, Trustees and Feoffees in Trust, Guardians and Committees for Lunaticks or Ideots, Executors, Administrators, Guardians, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said Trustees, or any Seven or more of them, and sell to them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; Trustees may contract for the Purchase of Lands to be taken into the Roads, &c. Bodies Politick, &c. enabled to sell and convey Lands to the Trustees, proper to be taken into the Roads.

any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of such Body Politick or Corporate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in, and added to, any Part of such Road, or through which any Part of such Road is intended to be turned or altered, shall, for the Space of Twenty one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments are situate; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees, are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Seven 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, Occupiers, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined on Oath.

Verdict of the Jury to be binding and conclusive.

conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever, claiming, or to claim, in Possession, Reversion, or Remainder, Contingency, or otherwise, their Heirs, Executors, and Administrators: And, for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands are situate, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries to appear before the said Trustees, or any Seven or more of them, at such Time and Place, as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impaneled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve; and all Persons concerned shall have their lawful Challenges, against any of the said Jurymen; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time, to impose any reasonable Fine upon such Sheriff, his Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse, or neglect to appear, or appearing shall refuse to be examined, or to give Evidence; and to levy and apply such Fine or Fines in such Manner, as the Penalties and Forfeitures are herein after

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

Jury may be challenged.

after directed to be levied and applied, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person, for One Offence.

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is hereby charged upon, and shall be paid out of the said Tolls, or out of the Monies to be borrowed upon the Credit thereof, and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Persons, and after Twenty one Days Notice thereof given to such Persons, or left with the Occupier or Occupiers of the Premisses, it shall be lawful for any Person or Persons authorized, by Writing under the Hands of the said Trustees, or any Five or more of them, to take into or add to such Road, or to turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments as the said Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments so taken into or made Part of the said Road, shall be, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Road hereby appointed to be repaired and widened is by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the said Road.

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

and esteemed as publick Highways.

Old Road may be sold.

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

Provided always, That this Act shall not extend to the taking down any Dwelling House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments where he shall be concerned or interested.

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all Persons, and the Inhabitants of every Parish and Place, and Bodies Politick and Corporate, who before the making of this Act have used, or of Right ought

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by reason of the Tenure of any Lands or Hereditaments or on any other Account or Accounts, to repair any Part of the Road hereby intended to be repaired, or any Bridge or Bridges on the said Road, shall still be liable to such Repairs in the same Manner as they have heretofore been or ought to do; and that the Inhabitants of the several Parishes and Places through, or into which the said Road leads, who by Law are or shall be liable to perform Statute-work, shall still be subject to and perform the same Work, and are hereby required to perform such Proportion of Statute-work, not exceeding Two Days Work, in such Parts of the said Road as lie within such Parishes or Places, at such Times, and in such Manner, as the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Parishes and Places respectively, who shall hold or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall perform such Work in the repairing the Highways of the several Parishes and Places in which he or she respectively resides, as any Person keeping a Team is obliged by Law to do; and that the Surveyors of the Highways for each of the said Parishes and Places are hereby required, once in every Year, at such Meeting of the Trustees, as they the said Trustees, or any Five or more of them, shall appoint for that Purpose (Notice in Writing thereof being fixed on all the Turnpikes erected by virtue of this Act, at least Ten Days before any such Meeting shall be held) to deliver to the said Trustees, or any Five or more of them, assembled at every such Meeting, true and perfect Lists in Writing, under the Hands of such Surveyors, of the Names of all the Inhabitants of such Parishes and Places respectively, who are liable to do Statute-work upon the Highways within every such Parish and Place, and shall in all such Lists distinguish and set forth which of the said Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams; and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and if any such Surveyor for any Parish or Place shall not deliver in to the said Trustees true and perfect Lists of such Inhabitants in the Manner and at such Times, as shall be appointed as aforesaid, every such Surveyor shall forfeit, for every such Default, the Sum of Five Pounds; and if any Inhabitant of any such Parish or Place, being liable by Law to do Statute-work upon the Highways,

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

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

Penalty on Surveyors neglecting to give in Lists.

Penalty on Persons not performing their Statute-work.

shall not do such Work in and upon the said Road, at such Times and Places, and in such Manner, as shall be appointed and directed by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, every such Inhabitant shall, for every such Default, forfeit the several Sums herein after mentioned; that is to say, Every such Inhabitant who shall keep, or by this Act be deemed to keep a Team, for every Day's Work the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence: And if any Person who shall come or be sent to work with a Team, or as a Labourer on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, in such Case such Surveyor or Surveyors may and is and are hereby impowered and required to discharge every such Person; and it shall be esteemed and taken as if such Team or Labourer had not come or been sent to work on such Road.

Persons found idle to be discharged, and forfeit.

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

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, being impowered so to do by the said Trustees, or any Seven or more of them, may, and are hereby impowered to compound with the several Inhabitants of the Parishes and Places for the several Days Statute-work to be by them respectively done upon the said Road, for such Sums of Money by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors shall think proper; which said Money shall be instantly paid, and shall be applied to the Repair of the said Road.

Surveyors may appeal to Quarter Sessions to portion Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being for any of the said Parishes or Places, shall think the said Trustees, or their Surveyor or Surveyors, hath or have directed or appointed too large a Portion of the Statute-work in any Parish or Place to be done on the said Road, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace to be held for the County or Place next after such Direction or Appointment shall be given, Ten Days before the holding such Quarter Session; and in case such Direction or Appointment shall not be given Ten Days before the holding such Quarter Session, then such Surveyor or Surveyors may appeal to the next succeeding Quarter Session; and the

Justices

Justices at such respective Quarter Session are hereby impowered finally to adjust and determine what Proportion of the Statute-work in any Parish or Place shall be done on the said Road; such Surveyor or Surveyors of the Highways as aforesaid, having first given Six intire Days Notice of such Appeal in Writing to the respective Turnpike Surveyor or Surveyors.

Penalty on drawing Timber, &c. otherwise than on Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel Carriages, or drag upon any Part of such Road, to the Prejudice thereof, every such Person or Persons, for every such Offence, shall forfeit the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and if any Person or Persons shall wilfully pull down, break, or damage, any of the said Stones or Posts, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be lawfully convicted thereof upon Oath of any credible Witness or Witnesses, or by his, her, or their own Confession, before any Justice of the Peace for the County or Place wherein the Offence shall be committed (which Oath the said Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; and every such Offender in either of the said Cases, shall and may by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Of-

Penalty on defacing Mile-stones.

fender

fender, to be dealt with according to the Directions of this Act.

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the County or Place wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of such Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices is or are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice or Justices; which Warrant or Warrants any such Justice or Justices is or are hereby impowered to grant for those Purposes; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles, and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to the said Trustees, or to their Treasurer, and applied in the Repair of the said Road: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the common Gaol of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, within Four Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal,

and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice enter into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, the said Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of their Session, mitigate, at their Discretion, all or any of the said Penalties, or vacate and set aside any Conviction or Convictions of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes. Recognizance to be entered into.

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form, or shall be removed or removeable by Certiorari, or other Writ or Process, into any of His Majesty's Courts of Record at Westminster; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Want of Form in, or Defect of Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity as aforesaid, or other wrongful Proceedings by virtue of this Act, if Tender of Amends be made before such Action is brought by or on Behalf of the Party or Parties who shall commit, or cause to be committed, any such Irregularities, Trespass, or wrongful Proceedings. Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*. Distress not to be deemed unlawful for want of Form, nor the Party distraining be deemed a Trespasser *ab initio*. Plaintiff not to recover, if Tender of Amends shall be made.

And be it further enacted by the Authority aforesaid, That all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into by or on the Behalf of the said Trustees, or any of them, and all Orders, Acts, and Proceedings, of such Trustees in the Execution of this Act, shall be entered in One or more Proceedings to be entered in a Book.

Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, and that all and every Person and Persons whomsoever may take Copies of all or of any Part of such Book or Books, paying for every Copy not exceeding One hundred Words Six Pence, and so proportionably for any greater Number of Words; and all such Orders so entered shall be signed by any Five or more of the said Trustees, as the Case shall require, and such Orders so signed shall be deemed and taken to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be read in Evidence in all Cases, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees, or Justice or Justices of the Peace, relating to the Execution of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 11 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the Execution of the Trusts and Authorities of this Act, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the Trustees, unless Eleven Trustees shall be present at a Meeting to be held for that Purpose, of which Ten Days previous Notice in Writing shall be given upon all the said Turnpikes.

Commencement and Continuance of the Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Sessions of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere; and the Defendant or Defendants, in all such Actions or Suits may plead the General Issue,

General Issue.

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

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

FINIS.