Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Road from a Place called *The Old Gallows*, in the Parish of *Sunning*, in the County of *Berks*, through *Wokingham*, *New Bracknowl*, and *Sunning Hill*, to *Virginia Water*, in the Parish of *Egham*, in the County of *Surry*.

WHEREAS the Road leading from a Place called The Old Gallows, in the Parish of Sunning, in the County of Berks, through the Town of Wokingham, New Bracknowl, and Sunning Hill, to a Stream of Water or Rivulet called Virginia Water, in the Parish of Egham, in the County of Surry, is in a ruinous Condition, narrow in many Places, and dangerous to Travellers, and the same cannot be effectually repaired and widened without the Aid of Parliament; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, Preamble.

b

Trustees Names.

Commons, in this present Parliament assembled, and by the Authority of the same; That the Right Honourable Henry Beauclerk Esquire, commonly called Lord Henry Beauclerk; the Right Honourable Lord Viscount Bateman in the Kingdom of Ireland, the Right Honourable Lord Viscount Fane in the Kingdom of Ireland, the Right Honourable George Beauclerk Esquire, commonly called Lord George Beauclerk; Sir Robert Long, Sir John Brown, Sir Charles Cotterell Dormer, Sir Monux Cope, Sir Anthony Thomas Abdy, Sir John Elwill, Sir Henry Englefield, Sir John Brown, Baronets; Richard Neville Aldworth, Richard Allen, Moses Adams, Henry Aldridge, the Recorder, Aldermen, and Town Clerk of the Corporation of Wokingham for the time being; John Blagrave, Bernard Brocas, Michael Blount, George Blagrave, William Matthew Burt, the Reverend Robert Bolton Doctor of Laws, Dean of Carlisle; Henry Blackstone M. D. the Reverend Ralph Barlow, Peter Birt, James Buy, John Barrett, Thomas Blackall, Joseph Bent, Richard Birch, Thomas Blanch, John Baber, Thomas Draper Baber, Samuel Bowes, Rumsey Bowes, Perry Buckley, William Baldwin, Nathaniel Basnett, Thomas Brookes, John Bolt, Walter Bowman, William Barwell, Samuel Bighton Clerk, the Honourable Charles Sloane Cadogan, James Edward Colleton, Benjamin Child, Thomas Cox, John Clarke, Edmund Cooke, John Dodd, John Dalby, Thomas Dalby, John Deane of Minster Street, John Doncastle, Dominick Duany, William Edgell, the Right Honourable Henry Fox, the Honourable Colonel John Fitzwilliam, Brice Fisher, Peter Floyer, John French, John Fanshawe, Richard Ford, John Festin, Thomas Foster, the Reverend John Gabriel, Thomas Gill, George Gandy, Nathaniel Griffin, John Griffin, Henry Lanoy Hunter, Gabriel Hanger, Lovelace Hercy, Joseph Husey, Percy Hatch, John Horne, John Terry Horsenail, John Jones, James King, Thomas Knapp, George Kent, Walter Knight, William Walter Knight, John Loveday, William Lovelace, Andrew Lindegreen, William Philips Lee, the Mayor, Aldermen, and Burgesses of the Borough of Reading for the time being; Edwin Martin, William May Brewer, John May, the Reverend James Merrick, Augustine Mayhew, Thomas Mersham, Joseph Morris, John Micklern, Nathaniel Micklern, Joseph Mawbey, Thomas Buckeridge Noyes, William Northey, Lawrence Head Osgood, Henry Oliver, George Onslow of Imber Court, Henry Pye, Richard Powney, Philip Powys, Edward Paumcefort, Philip Lybbe Powys, Robert Percy, Charles Price, John Plumsted, George Payne, the Reverend Richard Palmer, Henry Fish Palmer, Thomas Palmer,

Robert

Robert Palmer, William Pitt, George Pitt, Henry Plant, Edward Popham, John Pocock, Sir Thomas Reeve Knight, Pelsant Reeves, John Reeves, Daniel Rich, Richard Russell D. D. Joseph Radcliff, Tiney Reade, Richard Ransford, Thomas Ravenshaw, William Reynolds, John Spencer, the Reverend Thomas Shute D. D. Thomas Spicer, the Reverend John Spicer, Richard Simeon, Edward Savage, Charles Smithes, Richard Smith, Hugh Smith, Thomas Smith, Robert Shorter, Thomas Simmonds senior, Thomas Simmonds junior, Deodatus Staverton, Samuel Still, Henry Spencer, William Turton, Tymothy Tyrrell, Stephen Terry, Samuel Trash, William Trumbull, Richard Tonson, Isaac Townshend, Arthur Vansittart senior, Arthur Vansittart junior, Henry Voguel, Francis Vernon, Francis Wightwick, Richard Willis, John Walters, John Wilder, James Waller, the Reverend Thomas Walker, the Reverend Philip Whitehead, Thomas West, John Wild, William Watlington, Thomas White, William Wilder, Charles Wale, Serjeant Whitaker, Thomas Woodford Clerk, James Webb, Thomas Willmot, Edward Wise, the Honourable and Reverend James Yorke, shall be, and they are hereby appointed Trustees for putting in Execution the Powers in and by this Act granted.

Qualification of Trustees.

And be it further enacted, 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 the Right of his 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 Forty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Eighty Pounds; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds: And if any Person hereby deemed incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and 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, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on Persons acting, if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of John Chaplin, known by the Sign of The Rose in Wokingham, on the Twenty eighth Day after the Day of the passing of this Act, and shall proceed to the Execution of this Act, and shall adjourn themselves, from time to time, to such Times and Places near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as soon as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number of Trustees to act,

10 Days Notice to be given of another Meeting.

Trustees to defray their own Expences.

Proviso.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only.

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

And be it further enacted, That no Trustee shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

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

On Death or Removal of Trustees, others to be chosen.

And be it further enacted, That as often as any of the Trustees appointed or to be appointed by virtue of this Act, shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by a Writing under their Hands and Seals, to appoint a Trustee in the room of any such Trustee so dying, removing, or refusing to act, and Notice of the Time and Place of Meeting for the Election of such Trustee shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Fifteen Days before the Meeting for such Election; and the Person appointed shall and may act in the Execution of this Act,

15 Days Notice of Election to be given.

to

to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

Trustees may erect Turnpikes and Tollhouses,

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gates or Turnpikes in, upon, or across, the said Road, and also a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Berlin, Landau, Chaise, Chaise Marine, Calash, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Eight Pence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Four Pence.

For every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Two Pence.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses, Mares, Geldings, or other Beasts, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, or other Beasts, the Sum of Eight Pence; and drawn by Two Horses, Mares, Geldings, or other Beasts, the Sum of Four Pence; and drawn by One Horse, Mare, Gelding, or other Beast, the Sum of Two Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny.

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

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

Tolls vested in the Trustees.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised, is hereby vested in the said Trustees, and shall be disposed of, or assigned, to and for the Purposes, and in such Manner, as is herein aftermentioned; and it shall be lawful for such Person or Persons as the said Trustees, or any Seven or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable; and to levy the same upon any

Person or Persons who shall, after Demand thereof made, neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage, upon which such Tolls are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls, with the reasonable Charges of distraining and keeping the same, shall be paid; and it shall and may be lawful to and for such Person or Persons, after the Space of Five Days next after such Distress made and taken, to sell the Cattle, Carriage, or Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 5 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Road, or upon, in, or across, any Lane or Way leading into or out of the same, to prevent Persons evading the Payment of the Tolls hereby granted; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable at any Gate or Turnpike to be erected by virtue hereof, so as the same do not extend to a double Charge upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Trustees may erect Turnpikes and Toll-houses;

and take Tolls thereat.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected by virtue of this Act, nearer to the said Place called The Old Gallows, than the South Side of the River Loddon.

No Turnpike to be erected nearer *The Old Gallows* than the River *Loddon*.

And be it further enacted, That in case the said Trustees shall erect a Gate or Gates, Turnpike or Turnpikes, at the End of, or in any Part of, a Lane called Mill Lane, or Sindlesham Lane, no Toll or Duty shall be demanded or taken at any such Gate or Gates, Turnpike or Turnpikes, for any Horse, Cattle, or Carriage, belonging to any of the Tenants of John Spencer Esquire, his Heirs or Assigns, occupying any Messuages, Mills, Lands, or Fishery, at Sindlesham aforesaid; nor for any Cattle or Carriage carrying any Materials, Goods, Wares, or Merchandizes, to or from the said Messuages, Mills, Lands, or Fishery.

To exempt the Tenants of Mr. *Spencer* at *Sindlesham* from Toll in *Mill Lane*.

And be it further enacted, That the several Gates or Turnpikes, and Toll-houses, erected by virtue of this Act, and the Materials of which the same shall consist, and all Materials

Turnpikes and Toll-houses vested in the Trustees.

Materials which shall be lawfully provided by the said Trustees, or by their Surveyor or Surveyors, 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 authorized and impowered to bring, or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk; or to prefer and order and direct the preferring of Indictments against any Person or Persons who shall dig up, break or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided, as aforesaid, for the repairing of the said Road.

Application of the Tolls.

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

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

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Persons intitled to Three Fifths of the Money borrowed on the Credit of this Act, to lessen the Tolls by this Act granted, for such Time as they shall think proper; 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.

And be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket, denoting such Payment, shall be permitted to pass through the same Gate or Turnpike, or any other Gates or Turnpikes to be erected by virtue of this Act, with the same Carriage or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Trustees may compound with Travellers, common Carriers excepted.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, to compound with any Person or Persons (except common Carriers) using to travel through all or any of the Turnpikes to be erected by virtue of this Act, for any Sum of Money, for and in lieu of the Payment of the Tolls or Duties hereby granted; which Composition money shall be instantly paid to the said Trustees, or any Seven or more of them, or to such Person who they shall appoint to receive the same.

Trustees to pay an annual Sum for the Repair of *Loddon Bridge*.

And whereas a Bridge called or known by the Name of Loddon Bridge, is situated on the Road intended to be repaired by this Act, and the said Bridge is supported and maintained by Daniel Rich Esquire, Olivia Barker Widow, Sarah Biggs Widow, and others, and they have lately been at very great Charges in rebuilding the said Bridge; and the said Road being repaired in Manner herein before mentioned, will occasion much greater Traffick over the said Bridge than otherwise would have been; and therefore be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, for the time being, shall, out of the Monies collected and received by virtue of the Powers and Authorities of this Act, yearly and every Year, pay unto the said Daniel Rich, His Heirs and Assigns, the annual Sum of Seven Pounds, net Money, to be by him and them applied towards the Support and Repair of the said Bridge, from time to time, as Occasion shall require; and the said Daniel Rich, his Heirs and Assigns, and the other Persons, shall be exempted, freed, and discharged, from the Repair of the Clapters near the said Bridge called Loddon Bridge, and the Bridge near Wokingham.

Persons and Things exempted from Tolls.

And be it further enacted, That no Toll shall be demanded or taken at any of the said Gates or Turnpikes for any Cattle or Carriage laden with any Materials for repairing any Road or Highway; or Compost, of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof; or for any Plough, Harrow, Drag, or other Implement of Husbandry, or for any Thing whatsoever employed in Husbandry, or for manuring or stocking of Land in the several Parishes in which the said Road hereby intended to be repaired, does lie; or for any Coaches or other Carriages, or Passengers on Horseback, going to, or returning from, any Election of a Knight or

Knights of the Shire to serve in Parliament for the Counties of Surrey, Wilts, or Berks; or for any Horse or other Cattle, going to, or returning from, Pasture or Water; or for any Post-horse or Vehicle carrying the Mail; or for the Horses of any Officers or Soldiers on their March, or for Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings.

Penalty on Persons permitting, or going through, private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever, owning or occupying any Land or Tenement near to any Gate or Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through such Land or Tenement, or any Gate, Passage, or Way, the same not being a common Road, with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beasts; or if any Person or Persons shall, with any Coach, Waggon, or other Carriage, Horse, or any other Cattle or Beasts, pass through any such Land or Tenement, Gate, Passage, or Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Coach, Waggon, or other Carriage, Horse, or other Cattle or Beast, with such Intent as aforesaid; or if the Owner or Driver of any Carriage, shall unload, or cause to be unloaded, such Carriage, with such Intent as aforesaid; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Note or Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Carriage, Horse, Cattle, or Beast, without Payment of the Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings.

or taking off Horses, &c.

or unloading Goods,

or giving or receiving any Tickets, to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Road; be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the

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

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers, and other Persons, as they shall think necessary to employ in the Execution of this Act; and such Officers, or other Persons, or any or either of them, from time to time, to remove, and to appoint others in case of Death or such Removal; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers, and other Persons, for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers, and other Persons, who shall be intrusted with any Money raised by virtue of this Act, shall, from time to time, when thereunto required by the said Trustees, or any Five or more of them, make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Five or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them, respectively, shall, to that Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money

so

so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same; and in case any such Officer, or other Person or Persons, shall not make or render, or shall refuse to verify upon Oath, any such Account, or to make such Payment, as aforesaid, then any One or more Justice or Justices of the Peace for the Counties of Surrey, Wilts, or Berks, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer;) and if any such Officer, or other Person, shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers not accounting, to be committed.

And be it further enacted, That if any Person or Persons who shall have been, or shall be, appointed a Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for the said Trustees, or any Five or more them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein the Offender or Offenders shall dwell, there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable, concerning the said Books, Papers, and Writings.

Clerks not delivering up their Books, &c. to be committed.

Treasurer to give Security.

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

No Victualler, &c. shall hold any Place of Profit.

And be it further enacted, That no Person keeping an Inn, Ale-house, or other House of Publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

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

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by the said Surveyor or Surveyors, or either of them, for that Purpose, may, and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any Waste, Common, or Forest Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near, the Road aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Road, without paying any thing for the same, they the said Surveyors, or other Persons, levelling the Ground from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Materials sufficient for that Purpose, cannot be had or found in or upon such Waste, Common, or Forest Ground or Grounds, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying, or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed,

without paying for the same; levelling the Pits; if sufficient Materials cannot be had there, they may be taken from Private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on One Month's Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

Surveyors may make Causeways,

And be it further enacted, That the said Surveyor or Surveyors, or Person or Persons by them, or either of them, appointed, may, and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Road; and shall and may build, or cause to be built, any Bridges upon, in, or across, the said Road, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

erect Bridges,

making Satisfaction to the Owners.

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove all Annoyances on any Part of the said Road, and to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful

and cut down Trees, &c.

the Owners neglecting to do the same after Notice;

the Charges to be reimbursed to the Surveyors.

lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein any such Owner or Occupier shall live, from time to time, to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles; rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Penalty of a Second Offence.

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

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

Charges to be levied by Distress and Sale.

And

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

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

poses aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

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

the Damages and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

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

Verdict of the Jury to be binding and concluſive.

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

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, when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury; or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn, and give Evidence; and from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds, upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed, as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents, and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair, by such Ways and Methods,

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

Lands when purchased to be deemed a publick Highway.

Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in, or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Road; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands or Grounds shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever. Old Road may be sold.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto. Buildings, &c. not to be damaged by this Act.

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

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

Persons renting 50 *l. per Ann.* to be deemed Teamholders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, through which the said Road leads, who are obliged to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places, respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, 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.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road leads, shall not deliver in to the said Trustees, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default, the Sum of Five Pounds:

Penalty on Surveyors not delivering in such Lists;

Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person, who shall keep, or, by virtue of this Act, shall be deemed to keep a Team or Teams, for every Day's Work for each Team, 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 on Persons not performing Statute-work.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and impowered to compound with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, at and for such Sum and Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Five or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment. Trustees may compound with Parishes, &c. for Statute-work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, through which the said Road directed by this Act to be repaired leads, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceeding such next Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Road Surveyors may appeal to the Quarter Session to proportion the Statute-work.

Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, having first given Eight Days Notice of such Appeal, to the Surveyor or Surveyors appointed by the said Trustees.

Road to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized and required to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places; and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the said Trustees, or any Five or more of them, or of Two or more Justices of the Peace for the County wherein the Offence shall be committed; which Warrants the said Trustees, or any Five or more of them, or the said Justices, are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Trustees, or any Two or more of them, or the said Justices, are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charge of such Distress and Sale being first deducted) shall be paid to the Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Road; and in case sufficient Distress

strels cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Trustees, or Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol of the County or Place wherein such Offence shall be committed, for any Time not exceeding Three Months for the First Offence, unless such Penalties or Forfeitures and all reasonable Charges shall be sooner paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner discharged.

Persons aggrieved may appeal to the Quarter Session.

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

Notice of Appeal to be given.

Proceedings not removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that 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 to be unlawful, nor the Party or Parties making

Distress not to be deemed unlawful for want of Form,

making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; 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, shall and may recover full Satisfaction for the Special Damage, in an Action upon the Case.

No notice nor the Party distraining deemed a Tresp. *ab initio.*

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining, before such Action brought.

Proceedings to be entered in Books.

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

Writings to be without Stamps.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless Trustees be present.

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

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Tolls, Authorities, and Powers, hereby granted and made payable, shall commence and have Continuance from and after the passing of this Act, for and during the Term

of Twenty one Years; and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

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

General Issue.

Treble Costs.

Publick Act.

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

FINIS.