Anno triceſimo ſecundo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Oxdown Gate*, in *Popham Lane*, to the City of *Wincheſter*; and from the ſaid City, through *Hurſley*, to *Chandler's Ford*; and from *Hurſley* aforeſaid, to the Turnpike Road at *Romſey*; and from the ſaid Turnpike Road, through *Ringwood*, in the County of *Southampton*, to *Longham Bridge* and *Winborne Minſter*, in the County of *Dorſet*.



WHEREAS the Roads leading from a certain Gate called Oxdown Gate, near a Publick Houſe called The Flower Pots, in Popham Lane, through the ſeveral Pariſhes of Popham, Eaſt Stratton, Mitcheldever, Martyr-Worthy, Abbot's-Worthy, King's-Worthy, and Headbourne Worthy, to the City of Wincheſter, in the County of Southampton; and alſo from the Weſt Gate of the ſaid City, through Pit and Hurſley, to Chandler's Ford; and from Hurſley aforeſaid, through Anfield, by New Pond, to the Turnpike Preamble.

Turnpike Road at Romsey, in the said County of Southampton; and also from the Turnpike Road at Romsey aforesaid, through Ower Cadnam and Brachley Wood, to the Market House at Ringwood, in the said County; and also from the said Market House, by Palmer's Ford, over the Heath both to Longham Bridge and Winborne Minster, in the County of Dorset; are 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, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Sir Robert Henley Knight, Lord Keeper of the Great Seal of Great Britain; the Most Honourable Sir Charles Powlett Knight of the Bath, commonly called Marquis of Winchester; the Most Honourable James Brydges, commonly called Marquis of Carnarvan; the Right Honourable the Earl of Clanricarde in the Kingdom of Ireland; the Right Honourable the Earl of Tylney in the Kingdom of Ireland; the Right Honourable the Earl of Eglingtoun, the Right Honourable Harry Powlett, commonly called Lord Harry Powlett; the Right Honourable the Lord Kingston in the Kingdom of Ireland; the Right Honourable Thomas Parker, commonly called Lord Parker; the Right Honourable the Lord Viscount Powerscourt in the Kingdom of Ireland; the Right Honourable the Lord Viscount Palmerston in the Kingdom of Ireland; the Honourable James Everard Arundell Esquire, Charles Arrowsmith, Stephen Ayles, Stephen Ayles the younger, John Ayles, Robert Andrews, Samuel Anderson, John Adams, James Atkins, Gentlemen; William Baker, Bernard Brocas, James Madgwick Battin, Robert Bristow, Robert Butcher, Henry Bankes, John Bankes, John Bond, Charles Biddulph, Robert Barton, James Coventry Bulkley, Osmond Beauvoir, Charles Brander, Thomas Baker, Esquires; Henry Bowles Doctor of Physick, the Reverend Edward Butt, the Reverend John Baskett, the Reverend John Barford, the Reverend Walter Bigg, Clerks; Joseph Burton, Michael Ballard, William Barfoot, Nicholas Bacconeau, John Bradburne, John Brereton, William Bernard, Francis Biggs, Edward Boorne, Benjamin Bound, John Brixey, John Brixey the younger, Christopher Biddlecombe, John Biddlecombe, Joseph Biddlecombe, Thomas Birt, William Brixey, Richard Budden, Gentlemen;

Trustees Names.

Gentlemen; Sir Monoux Cope Baronet, Sir Talbot Clarke Baronet, Sir Villar Charnocke Baronet, John Mordaunt Cope, John Chute, Ralph Congreve, Jeremiah Cray, Awnsham Churchill, Henry Compton, Joshua Churchill, William Coker, John Cope, Esquires; the Reverend Thomas Cheyney Doctor in Divinity, Dean of Winchester; the Reverend Thomas Yale Caverley, the Reverend Fill Cox, the Reverend John Cox, the Reverend Abraham Channing, the Reverend Richard Cope, Clerks; Daniel Chase, John Clarke, Samuel Clarke, Robert Clarke, John Coles, Thomas Comley, William Coles, John Corbin, Henry Corbin, Thomas Chamberlain, John Cleeve, Richard Clarke, David Compigne, Gentlemen; Thomas Erle Drax, Thomas Lee Dummer, Thomas Dummer, George Dacre, Thomas Diggle, Edward Drax, John Dodd, James Dicker, Esquires; the Reverend John Darby Clerk, Abraham Durell, Doubty, Timothy Denham, George Durnford, John Duthy, Aaron Durell, David Durell, Gentlemen; Welbore Ellis, John Eyre, Henry Eyre, Esquires; the Reverend Robert Eden Doctor in Divinity, Archdeacon of Winchester; William Elderfield, John Earle, Gentlemen; James Foxcroft, Henry Foxcroft, Esquires; the Reverend Henry Fitch, the Reverend Henry Fuller, the Reverend Samuel Forster, Clerks; William Far, Robert Forder, William Forder, James Fitt, John Fifield, Henry Flower, Francis Fosbery, Michael Futcher, William Freeman, Alexander Fryer, Gentlemen; Richard Gifford, Charles Godfrey, John Gatehouse, Thomas Gatehouse, Thomas Godwin, Christopher Griffith, Henry Grainger, Esquires; the Reverend Christopher Golding Warden of Winchester College, the Reverend Maurice Green Clerk, Richard Gosse, William Gosse, John Godfrey, Robert Godfrey, John Garrod, Daniel Glass, Edward Gilbert, William Good, Thomas Godwin, John Gauntlett, Edward Grace, Edward Grace the younger, Gentlemen; Sir William Hanham, Sir Thomas Heathcote, Baronets; Sir Edward Hawke Knight of the Bath, William Hanham, Samuel Heathcote, Gilbert Heathcote, Henry Heathcote, William Heathcote, Thomas Hall, Thomas Hall the younger, John Hookes, Edward Hooper, Joseph Hinxman, Henry Hearst, John Fry Husley, Esquires; the Reverend John Hoadley Doctor of Laws, Chancellor of Winchester; the Reverend James Hanham, John Harris, Edmund Hickman, John Hutchins, William Henchman, Joshua Fisher Harrison, Clerks; John Hasker, Thomas Hammond, Michael Humfrey, Robert Henning, George Hyde, Thomas Hyde,

Richard Higges, George Hunt, John Hockley, John Hackman, John Hayward, Gentlemen; Joshua Iremonger, Richard Jervoice, Matthew Imber, Esquires; the Reverend John Imber, Thomas Banks Janson, Edward Jones, Clerks; the Reverend William Johnson Dissenting Minister, Timothy Jones, William Jolliffe, Thomas Imber, Gentlemen; Chidiock Kent Esquire, Berrington King Cranley Thomas Kerby, William Kittier, John Kittier, Christopher King, Gentlemen; the Right Honourable Henry Bilson Legge Chancellor of the Exchequer; Sir Robert Long Baronet, Bryan Limbrey, Philip Grave Lamport, John Limbrey, John Lisle, Esquires; Brown Langrish Doctor of Physick, the Reverend Leach Clerk, Samuel London, William Lake, John Lyne, John Lywood, William Lamport, John Lister, Gentlemen; Sir Richard Mill Baronet, Sir John Mordaunt Knight of the Bath, Richard Mill, John Mill, Sandys Mill, Carew Mildmay, John Merril, Esquires; the Reverend John Maule, the Reverend Henry Mill, the Reverend Charles Mill, the Reverend Edmund Morris, Clerks; John James Mansfield, Joseph Marten, Joseph Merryweather, James Merryweather, John Marten, William Madgwick, Thomas May, Joseph Mills, Gentlemen; Sir Gerard Napier Baronet, Thomas Newnham, Hugh Norris, Mark Noble, Esquires; Thomas Nickleson, John Newman of Ringwood, John Newman the younger, John Newman of Romsey, Robert Newlands, Philip Newbolt, Gentlemen; Edmund Okeden Esquire, John Oliver Gentleman, Sir Francis Seymour Pile Baronet, Norton Powlett, Charles Powlett, William Powlett, George Powlett, John Pitt, George Pitt, William Augustus Pitt, Henry Penton, Henry Penton the younger, William Pescod, George Pescod, Jocelyn Pickard, Nicholas Pyle, Edward Poore, Joseph Portal, James Perkins, Edmund Perkins, Esquires; the Reverend James Plowden, the Reverend John Peverell, Clerks; William Prior, William Porter, Edward Pyott, Ambrose Pyle, Richard Pearce, John Philps, Gentlemen; Sir Thomas Ridge Knight, Denys Rolle, George Ridge, James Rodney, Thomas Ridge, William Russell, Esquires; the Reverend Richard Russell Doctor of Laws, the Reverend Samuel Rolleston Clerk, Archdeacon of Sarum; the Mayor, Recorder, and Aldermen, of the Town of Romsey-Infra, for the time being; John Russell Gentleman, Hans Stanley, Anthony Langley Swymmer, Peter Serle, Powlett Saint John, Goodier Saint John, Henry Saint John, Humphry Sturt, Edward Sheldon, William Sloane, Henry Streatfield, Francis Swanton,

ton, Esquires; the Reverend Robert Shipman Doctor in Divinity, John Speed Doctor of Physick, the Reverend Ellis Saint John, the Reverend Samuel Speed, the Reverend Richard Smith, Clerks; Roger Shipman, James Spearing, Nicholas Purdue Smith, James Serle, Godwin Seward, Clement Sharp, Richard Sharp, Thomas Sharp, William Slade, John Stafford, John Silver, Gentlemen; Sir Henry Titchburn Baronet, Sir Peter Thompson Knight, Alexander Thistlethwayte, George Trenchard, John Trenchard, Michael Terry, William Toovey, John Thorpe, Esquires; the Reverend Robert Thistlethwayte, the Reverend Giles Templeman, the Reverend Charles Toll, the Reverend Frederick Toll, the Reverend Joseph Trapp, Clerks; George Tito, Anthony Trew, Harry Tuck, Joseph Tarver, John Tarver, John Tory, Gentlemen; John Vincent Esquire, Sir Thomas Webb Baronet, Sir Martin Wright Knight, John Webb, Joseph Webb, Ralph Willett, John Willis, Thomas Walter, Thomas Willis, Henry Wells, William Wentworth, Thomas Wyndham, Wadham Wyndham, Hellyar Wadham Wyndham, Esquires; the Mayor, Recorder, and Aldermen, of the City of Winchester, for the time being; the Reverend Benjamin Woodroffe, the Reverend Richard Wavell, the Reverend William White, the Reverend James Willis, the Reverend Matthew Wasse, Clerks; Thomas White, Benjamin Wise, John White, Richard Winkworth, Richard Winkworth the younger, Joseph White of Anfield, Thomas Wade, Charles Wade, Charles Wade the younger, Nick Wade, Thomas Waldron, John Wooll, Joseph White of Poole, George Weston, Richard Weston, Thomas Wooll, Thomas Goodridge Waller, James White, Joseph Whatley, William Woodward, Gentlemen; and the Reverend Edmund Yalden Clerk, shall be, and they are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified, or capable of acting as a Trustee, in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, being Freehold, Leasehold, or Copyhold, or being a Rectory or Vicarage, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of some Person having an Estate of Inheritance in

in Law or Equity of the clear yearly Value of One hundred Pounds; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; and unless the Person not being such Heir Apparent, claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take an Oath in the Words, or to the Effect following, as the Circumstance of the Case shall happen to be, before any Two or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities of this Act; that is to say,

Trustees to take the following Oath before they act.

The Oath.

I do swear, That I truly and *bona fide*, am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, being Freehold, Leasehold, or Copyhold, or being a Rectory or Vicarage, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, after all my Debts are paid.

So help me GOD.

Penalty on Persons acting, if not qualified.

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed:

Roads laid into Divisions.

And be it further enacted by the Authority aforesaid, That the Roads hereby intended to be repaired shall be laid into Four distinct and separate Divisions, and that such Part of the said Roads as leads from the said Gate called Oxdown Gate, through the several Parishes of Popham, East Stratton, Mitcheldever, Martyr Worthy, Abbot's Worthy, King's Worthy, and Headbourne Worthy, to the City of Winchester aforesaid, shall be the First Division of the said Roads; and that such other Part of the said Roads as leads from the said West Gate of the said City

of

of Winchester, through Pit and Hursley, to Chandler's Ford, and from Hursley aforesaid, through Anfield, by New Pond, to the Turnpike Road at Romsey aforesaid, shall be the Second Division of the said Roads; and that such other Part of the said Roads as leads from the Turnpike Road at Romsey aforesaid, through Ower Cadnam and Brachley Wood, to the said Market-house at Ringwood, shall be the Third Division of the said Roads; and that the remaining Part or Residue of the said Roads leading from the said Market-house, by Palmer's Ford, over the Heath to Longham Bridge, and also the said Road leading from Palmer's Ford, over the said Heath, to Winborne Minster aforesaid, shall be the Fourth Division of the said Roads; and that the said several Parts or Divisions of the said Roads shall be severally and respectively called, known, and distinguished, by the several and respective Names of the First Division, the Second Division, the Third Division, and the Fourth Division; and that such Divisions shall be independent of each other, and in each and every of the said Divisions, the said Trustees shall use and exercise the several Powers and Authorities hereby granted.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Charles Lover, bearing the Sign of the George, in the said City of Winchester, on the Second Day of June, One thousand seven hundred and fifty nine, and shall proceed to the Execution of this Act for the said First Division, and shall then adjourn themselves, and afterwards meet at the same Place, or at any other House or Houses within the said City of Winchester, as the said Trustees, or any Five or more of them, shall think fit, as often as it shall be necessary for putting this Act in Execution with respect to the said First Division; and that the said Trustees, or any Five or more of them, shall meet together at the House of Joseph Jordan, bearing the Sign of the King's Head at Hursley aforesaid, on the Fourth Day of June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act with respect to the said Second Division, and shall then adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places in the Parish of Hursley aforesaid, as the said Trustees, or any Five or more of them, shall think fit, as often as it shall be necessary for putting this Act in Execution with respect to the said Second Division; and that the said Trustees, or any Five or more of them, shall meet

meet together at the House of William Hinton, bearing the Sign of the Swan at Romsey aforesaid, on the Sixth Day of June, One thousand Seven hundred and Fifty nine, and proceed to the Execution of this Act with respect to the said Third Division, and shall then adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places near the said Roads, within the said Third Division, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution with respect to the said Third Division; and that the said Trustees, or any Five or more of them, shall meet together at the House of John Jeffery, bearing the Sign of the Crown, at Ringwood aforesaid, on the Eighth Day of June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act with respect to the said Fourth Division, and shall adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places near the said Roads within the said Fourth Division, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for the further Execution of this Act for the said fourth Division; and if it shall happen that there shall not appear at any adjourned Meeting for any or either of the said Divisions, a sufficient Number of Trustees to adjourn to any other Time and Place, then the Clerk to the Trustees for the Division in which such Default shall happen, shall, from time to time, as often as it shall happen, adjourn the said Meeting to such Time and Place as he shall think fit, not exceeding as to Time, the Distance of Three Weeks from the Time of any such Default; 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,

Clerk to adjourn the Meeting.

Trustees to defray their own Expences.

Proviso.

Provided always, That Two Trustees present at any Meeting shall be deemed sufficient for the Purpose of Adjournment.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or who shall be named or appointed, in or by virtue of this Act, shall act, or be impowered to do any Act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any Person appointed, or to be appointed, a Trustee, in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls or Monies by this Act made payable, such Person from and after his accepting such Place of Profit, and during the Time of his

his holding the same, shall be incapable of acting as a Trustee in or under this Act.

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

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

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees named or appointed by virtue of this Act, shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees, in the room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks to the Trustees for any or either of the said Divisions, by affixing the same in Writing at all the Turnpikes which shall be erected by virtue of this Act in the Division where such Meeting is intended to be, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act, in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner as the Trustees hereby appointed are authorized and impowered to act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to erect, or cause to be erected, in the said First Division, a Gate or Turnpike across the Road at the North End of Hyde Street, leading into the said City of Winchester; and also a Gate or Turnpike across the Road at the North End of Swan Lane, near the said City of Winchester; together with One Toll-house to such Two Gates or Turnpikes, or else One Gate or Turnpike, with a Toll-house to the same, across some Part of the Lane lying North of the said Hyde Street and Swan Lane, at a Distance not exceeding Five hundred Yards from the North End of the said North Street and Swan Lane; and the said Trustees, or any Five or more of them, shall and may erect, or cause

or

to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any other Part or Parts of the said Roads within the said First Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads within the said Second Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads within the said Third Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads within the said Fourth Division; and also a Toll-house to each Gate or Turnpike; and shall demand and take at every and each of the said Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis a Vis, Chair, or Hearse, drawn by Four or more Horses, Mares, Geldings, Mules, or other Beasts, the Sum of One Shilling; and drawn by any less Number, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, or other Beast, so drawing.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses, Mares, Geldings, Mules, Oxen, or other Beasts, the Sum of One Shilling; and drawn by any less Number, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, Ox, or other Beast, so drawing.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, 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.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them,

Tolls vested in the Trustees.

them, ſhall, 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 the ſame, ſhall be paid; and it ſhall and may be lawful to and for ſuch Perſon and Perſons, after the Space of Two Days next after ſuch Diſtreſs taken, to ſell the Cattle, Carriage, or Goods, ſo diſtrained, returning the Overplus (if any ſhall be) upon Demand, to the Owner thereof, after ſuch Tolls, and reaſonable Charges of diſtraining and ſelling the ſame, ſhall be deducted and paid.

Diſtreſs may be ſold after 2 Days.

Provided always, That no Perſon or Perſons having paid the Tolls or Duties hereby granted at any One Gate or Turnpike, to be erected by virtue of this Act, on the ſaid Roads of the ſaid Firſt Diviſion, ſhall be liable the ſame Day to pay any Tolls or Duties for the ſame Cattle or Carriage at any other Gate or Turnpike to be erected on the ſaid Roads of the ſaid Firſt Diviſion; and that no Perſon or Perſons having paid the Tolls or Duties hereby granted at any One Gate or Turnpike, to be erected by virtue of this Act, on the ſaid Roads of the ſaid Second Diviſion, ſhall be liable the ſame Day to pay any Tolls or Duties for the ſame Cattle or Carriage at any other Gate or Turnpike to be erected on the ſaid Roads of the ſaid Second Diviſion; and that if more than Two Gates or Turnpikes ſhall be erected on the ſaid Roads within the ſaid Third Diviſion, no Perſon having paid the Tolls or Duties for the paſſing of any Cattle or Carriage through the Firſt Gate or Turnpike, ſhall be ſubject or liable the ſame Day to pay any Toll or Duty for paſſing with the ſame Cattle or Carriage through the Second Gate or Turnpike, erected within the ſaid Third Diviſion; and that no Perſon or Perſons having paid the ſaid Tolls or Duties at any One Gate or Turnpike, to be erected by virtue of this Act, on the ſaid Roads of the ſaid Fourth Diviſion, ſhall be liable the ſame Day to pay any Tolls or Duties for the ſame Cattle or Carriages at any other Gate or Turnpike, to be erected on the ſaid Roads of the ſaid Fourth Diviſion; ſuch Perſon or Perſons producing a Note or Ticket denoting that the ſaid Tolls or Duties have been ſo paid; which Notes or

Exemptions in the reſpective Diviſions.

Tickets the Collector or Collectors of the Tolls is or are hereby required to give gratis.

Tolls to be paid but Once a Day.

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

Trustees may erect Side-gates,

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That to prevent Persons from evading the Payment of the Tolls or Duties hereby granted, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, in any or either of the said Divisions, and upon, in, or across, any Lane or Way leading out of the same Roads, and particularly upon, in, or across, the several Roads leading from the Hill of Hursley aforesaid, through certain Lanes called Port Lane and Collins's Lane, to the said City of Winchester, or any Part of the said last-mentioned Roads, at a Distance not exceeding Two Miles from the said Hill of Hursley; and at the said Gate or Gates, Turnpike or Turnpikes, 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.

Inhabitants of *Winchester* exempted from Tolls in certain Cases.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected in the said Second Division of the said Roads within Two Miles of the City of Winchester aforesaid, till after some other Gate or Turnpike hath been erected in the same Division at a greater Distance than Two Miles from the said City, and till after the Tolls collected at such erected Gate or Turnpike shall be found insufficient to answer all the Purposes of this Act, with respect to the said Second Divi-

sion; and if the Tolls collected at such erected Gate or Turnpike, shall be so found insufficient as aforesaid, and in Aid of the same, another Gate or Turnpike shall be erected in the said Second Division within Two Miles of the said City; then, and in such Case, the Inhabitants of the said City of Winchester, and of the Close and Suburbs thereof, shall be at Liberty to pass and repass through such Assisting Gate with Horses, Coaches, Carts, and all Manner of Carriages (other than and except such Coaches, Carts, and Carriages, as shall travel for Hire) without paying any Toll thereat, provided the proper and direct Road for such Inhabitants, with respect to the Places to which they go, or from whence they come, shall be through the said Assisting Gate; and all Waggons, Carts, and Carriages, laden with Cordwood, Faggots, or other Fuel, to be carried into the said City of Winchester, or to the Close or Suburbs thereof, and to be there sold or consumed, shall also be permitted to pass and repass through the said Assisting Gate Toll-free; provided likewise, that the proper and direct Road for such Waggons, Carts, and Carriages, from the Places from whence they originally come to the said City of Winchester, shall be through such Assisting Gate; but not otherwise, or in any other Case; and if any Inhabitant or Inhabitants of the said City of Winchester, or of the Close or Suburbs thereof, or any Waggons, Carts, or Carriages, laden with Cordwood, Faggots, or other Fuel, shall pass through the said Assisting Gate, the same not being the proper and direct Road as aforesaid, and such Inhabitant or Inhabitants, or the Owner or Owners, Driver or Drivers, of such Waggons, Carts, or Carriages, shall claim and take the Benefit of such Exemption as aforesaid; or if any Person or Persons, not being an Inhabitant or Inhabitants of the said City of Winchester, or of the said Close or Suburbs thereof, shall pretend to be an Inhabitant or Inhabitants of the said City, Close, or Suburbs, and under such Pretence shall claim and take the Benefit of such Exemption as aforesaid; or if any Person or Persons, claiming and taking the Benefit of such Exemption as aforesaid, shall refuse to discover his, her, or their true Christian and Surname or Names, and the Place or Places of his, her, or their Abode, to the Collector or Collectors of the Tolls at the said Assisting Gate, being thereto requested by such Collector or Collectors; then, and in every and either of the Cases aforesaid, the Person or Persons so offending, shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety of

which

which Forfeiture shall go and be paid to the Informer or Informers of such Offence or Offences; and the other Moiety shall go and be paid to the said Trustees, or to any Five or more of them, to be laid out in the Repairs of the said Roads.

Proviso. Provided also, That no Gate or Turnpike to be erected in the said Second Division within Two Miles of the City of Winchester as aforesaid, shall be continued, unless there be at the same Time some other Gate or Turnpike in the same Division, at which Tolls are collected, at a greater Distance than Two Miles from the said City.

Turnpikes and Toll-houses vested in the Trustees. And be it further enacted by the Authority aforesaid, That the said several Gates or Turnpikes, and Toll-houses, erected by virtue of this Act, and the Rights and Properties to and of the same, and the Materials of which the same shall consist, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name or Names of any One or more of the said Trustees, 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, by virtue of this Act, be erected, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Application of the Tolls. And be it further enacted by the Authority aforesaid, That the Tolls or Duties to be collected on the said First Division, and the Money which shall be borrowed on the Credit thereof; and also the Tolls or Duties to be collected on the said Second Division, and the Money which shall be borrowed on the Credit thereof; and also the Tolls or Duties to be collected on the said Third Division, and the Money which shall be borrowed on the Credit thereof; and also the Tolls or Duties to be collected on the said Fourth Division, and the Money which shall be borrowed on the Credit thereof, shall be deemed so many separate Funds, each of which, after Payment of the Charges of procuring and passing this Act, shall be applied in and towards the repairing and widening the Roads of that particular Division only on which such Tolls or Duties shall respectively be collected, or such Money shall be borrowed, and on those Roads only, and not otherwise; and the said Trustees, or any Five or more of them, shall, out of the first Monies arising by the said

Tolls

Tolls or Duties of the said Four Divisions respectively, or out of such Money as shall be borrowed on the Credit thereof respectively, pay and discharge all the Costs and Expences of procuring and passing this Act, in and by equal Shares and Proportions, allotting One Fourth Part of such Costs and Expences to each Division; and shall apply the Remainder of the Monies so raised, in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending, the said respective Roads, 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 and may be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to Three Fifths of the Money borrowed on the Credit of the Tolls to be collected on either of the said Roads of the said Divisions respectively, to lessen the Tolls or Duties on such particular Roads only, for such Time as they shall think proper; and such Tolls or Duties, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, as often as they shall think fit, 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, with any Carriage or Cattle, for any Sum of Money, for and in lieu of the Payment of the Tolls or Duties, to be paid yearly, or otherwise, from time to time, after such Agreement shall be made.

Persons and Things exempted from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes erected by virtue of this Act, with any Cattle or Carriage, which shall carry or draw any Quantity of Materials for repairing the said Roads, or any other Highway or Road; or for any Carriages carrying any Hay, or Corn in the Straw, to be laid in the Houses, Out-houses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Roads lead; or with or for any Ploughs, Harrows, or other Implements of Husbandry, not being a Wag-

gon or Cart belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow belonging to any of the said Inhabitants; or for any Carriage carrying any Lime, Dung, Mould, or Compost, of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land, in such Parishes or Places; or for any Carriage carrying any Heath, Turf, Furze, or Peat for Fuel; 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 Southampton or Dorset, on the Days of such Election, or the Day before or Day after such Election; or for any Post-horse, or Carriage carrying the Mail or Packet; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to, or returning from, Pasture or Watering-places; or for the Horses of Soldiers who are upon their March, or Waggons or Carriages attending them; or for any Horses, Beasts, or Carriages, travelling with Vagrants sent with legal 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 Forty Shillings for every such Offence, to be recovered and applied in Manner herein after directed.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Heath, Common, Waste, or other Place or Places, inclosed or not inclosed, adjoining to, or lying near, any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or other Place; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the

or giving or receiving Tickets,

Person

Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, as aforesaid; or if any Person or Persons shall unload, or cause to be unladen, any Goods or Merchandizes, whereby, in any or either of the Cases aforesaid, the Payment of any of the said Tolls shall be evaded; that then, and in every and either of the aforesaid Cases, each and every Person so offending, shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use, and the other Moiety thereof shall go and be applied towards the amending the Roads in that Division where such Offence or Offences shall be committed.

or taking off Horses, &c.

or unloading Goods, to avoid Payment of the Tolls.

6 And, for the more speedy repairing and widening the said Roads; 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 said Tolls or Duties to arise and be collected on the Roads of the said First Division, 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, not exceeding the Sum of Three thousand Pounds; and likewise on the Credit of the said Tolls or Duties to arise and be collected on the Roads of the said Second Division, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, not exceeding the Sum of Three thousand Pounds; and likewise on the Credit of the said Tolls to arise and be collected on the Roads of the said Third Division, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, not exceeding the Sum of Four thousand Pounds; and also on the Credit of the said Tolls to arise and be collected on the Roads of the said Fourth Division, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, not exceeding the Sum of Three thousand Pounds; and the said Trustees, or any Seven or more of them,

Tolls may be assigned for Money borrowed.

6 may,

may, and are hereby authorized and impowered, by any Writing or Writings, to mortgage or assign over the said Tolls or Duties arising on the said respective Roads, on the Credit of which the said Sums shall be so borrowed, 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; and which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act, in Manner aforesaid, being first paid) shall be laid out and applied in and for the repairing and widening the said respective Roads, on the Credit of the Tolls or Duties whereof the said Sums shall be so borrowed respectively, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use, Intent, or Purpose whatsoever; and that no Part of the Tolls or Duties to be collected on either of the said Roads, or of the Money to be borrowed on the Credit thereof, shall be applied towards the Repairs of either of the said other Roads, or towards Payment of any Money to be borrowed on the Credit of the Tolls or Duties arising or to be collected on either of the said other Roads: And that no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sums of Three thousand Pounds, Three thousand Pounds, Four thousand Pounds, and Three thousand Pounds, any or either of them, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all Lenders, and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall be, and are hereby declared to be, for their several and respective principal Sums, Creditors on the said Tolls in equal Degree one with another, as to the Time or Times of advancing or lending such principal Sum or Sums, and shall be deemed and taken to be Tenants in common of the said Tolls, as to their several and respective Shares and Interests therein by Means or Virtue of such Mortgage or Mortgages, Assignment or Assignments, and so far forth as such their several and respective Shares and Interests will extend, but no farther or otherwise.

All Creditors to be deemed equal in Degree.

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall hereafter be appointed, by virtue of any Power or Authority hereby given, shall, and lawfully may (notwithstanding his or their being such Trustee

Trustees may lend Money on the Credit of the Tolls.

Trustee or Trustees, and notwithstanding he or they may have qualified himself or themselves to act in the Manner herein before prescribed) advance and lend any Sum or Sums of Money, at Interest, on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do, by Means or Virtue of this Act; and such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall, and lawfully may, accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from Seven other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money, so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Seven or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall, by Means and Virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take, by Means or Virtue of this Act.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Trustee and Trustees, and other Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, shall and may, and he, she, and they is and are hereby authorized and impowered, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any Person or Persons, by any Writing or Writings, or by any Indorsement or Indorsements in Writing, under his, her, or their Hand or Hands; and such Assignee or Assignees, Indorsee or Indorsees, may, in like Manner, assign over again, and so toties quoties.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided always, That nothing herein contained shall extend to charge or subject the said Trustees with, or to the Payment of, any Money, by reason of their, or any of their, signing or sealing the said Securities, or any or either of them.

Notice to be given of borrowing Money.

Provided always, and be it further enacted, That no Money shall be borrowed on the Credit of the said Tolls of any or either of the said Divisions, by the said Trustees, after their Second Meeting, for such Division or Divisions respectively, unless Notice in Writing, under the Hand of the Clerk appointed, and acting for the Division in and for which such Money is intended to be borrowed, shall be fixed upon all the Turnpikes then erected within such Division, at least Ten Days before the borrowing of such Money.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable; and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads; and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think necessary or convenient, within and for the several and respective Divisions aforesaid; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others being fixed on the Turnpikes erected within the Division for which such others are to be elected, at least Ten Days before such Election; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors or Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every other Person and Persons, who shall have or receive any of the Monies which shall be raised,

raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments, and they shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Five or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the said Officers or Persons, so to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts, as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint; then, and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Names of the said Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting, as aforesaid, in order to recover the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect,

Officers refusing to account;

as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice or Justices may, and is and are hereby authorized and required to summon the Officer or Officers, Person or Persons, so refusing or neglecting to appear before him or them, at a Time and Place in such Summons to be mentioned, and, upon his or their appearing, or not appearing, the Service of such Summons being proved, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed by such Summons, or, if appearing, shall refuse or neglect to deliver to the said Justice or Justices, such Account or Accounts of the Receipts and Payments, as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof, then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person

Justices to enquire into the Default,

and levy the Money by Distress and Sale.

For want of Distress, Offender to be committed.

son or Persons, to be committed to the Common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in, and settled, his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid to them; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

Treasurer to give Security.

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

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

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping any 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 taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons, who shall, by the said Trustees, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may, and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of, or from, any Waste or Common Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near, the Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be

used, disposed of, and applied, in repairing the said Roads, without paying any thing for the same, they the said Trustees, or Surveyors, or other Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste or Common Ground or Grounds, then, and in such 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 Furze, Heath, Stone, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads; such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue or Trees for the Ornament of any House, they the said Trustees, or Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable, they the said Trustees, or Surveyors, or other Persons, filling up the Pits and levelling the Ground, from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, 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 Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Six Days 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

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.

or

or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, 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 Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses in, through, or across, any Lands or Grounds, to prevent the said Roads, 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 may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

erect Bridges,

making Satisfaction to the Owners.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and carry away all Annoyances, by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Roads aforesaid, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Six 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 the said Trees or Bushes, or to remove such other 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 afore-

and cut down Trees, &c.

the Owners neglecting to do the same after Notice;

the Charges to be reimbursed to the Surveyors,

to be levied by Distress and Sale.

said, it shall and may be 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 the Matter in Dispute shall arise, 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 Owner or Owners 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 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 applied in repairing the said Roads.

Penalty of a Second Offence.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying, or which shall lie in, or leading, or which shall lead into, or out of, the said Roads, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done within the Space of Six 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, and in either of the said Cases, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said 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 Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus

Surveyors may set Men to do the same.

Charges to be levied by Distress and Sale.

(if

(if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Trustees may contract for the Purchase of Lands to be taken into the Road.

And be it further enacted by the Authority aforesaid, 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 Roads, for the better Accommodation of Coaches, Carriages, and Passengers, that then the 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 Roads, 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 Roads, and out of the Tolls or Duties 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 Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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 Roads, for turning, widening, altering, or mending the same; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, or others, 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 by the Authority aforesaid, That it shall and may be lawful to and for all Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person

Bodies Politick, &c. may contract for the Sale of Lands.

son 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 Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, 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 by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or any other Person or Persons interested in 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, 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 Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Ten Days 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 Seven or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into the same; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time,

the Damage and Recompence to be settled by a Jury.

as

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 (which Oath any Two or more of such Trustees are hereby impowered and directed to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all such other 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 Seven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Seven 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, Occupiers, or Proprietors 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, and Determination, so had and made, shall be final, and 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, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall 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 Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds, so to be taken in, do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Trustees, or any Seven 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

Witnesses to be summoned and examined upon Oath.

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.

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 Seven or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for 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.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That 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 Seven or more of them, acting in the Premisses, shall have 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, and 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 examined, and give Evidence; and from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds, upon any One Person for One Offence; and all such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied.

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

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such

such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given, as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, 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 Roads for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, were 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 Seven or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands when purchased to be deemed a publick Highway.

Old Road may be sold.

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

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Contracts, &c. to be made at Meetings for the respective Districts.

Provided always, and be it further enacted, That the repairing, widening, turning, and altering, the Roads of the said Four several Divisions shall be managed, directed, and ordered, and all Contracts and Agreements for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to the same Roads, or for the Sale of the old Roads, shall be made at the Meetings for the respective Divisions in which such Roads, Lands, Grounds, or Hereditaments, shall lie, and not elsewhere; and all Monies to be paid or received on that Account, shall issue out of, or be brought into the Fund of, that particular Division only in which such Transactions shall happen, and not out of or into any other Fund.

Persons chargeable to the Highways to continue so.

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

Inhabitants to do Statute-work.

and

and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, 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 Team-holders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the Towns, Parishes, Hamlets, and Places, within the several Divisions aforesaid, where, or in or for which, any such Surveyors usually have been, or ought to be chosen, shall, and are hereby required, at the First Meeting of the said Trustees for the Division in which such Towns, Parishes, Hamlets, and Places, are situate, after the Twenty fifth Day of March yearly, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected within such Division) to deliver in to the said Trustees, at such Meeting, upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) 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, that 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 by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, by such Times, and in such Manner, as by

Penalty on Surveyors not delivering in such Lists;

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: 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 Roads, at such Times and Places, and in such Manner, as they shall, by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, 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 and Person, who shall keep, or, by virtue of this Act, shall 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, by virtue of this Act, not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling; and if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons; and he, she, and they, or the respective Person or Persons on whose Behalf he, she, or they, shall come to work on the said Roads, shall in that Case, be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he, she, or they had neglected to come, or such Team had not been sent to work on the said Roads.

and on Persons not performing Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, who are to repair by reason of their Tenure, or otherwise, and with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lead, for the Repairs aforesaid, and for the several Days Statute-work, or other Work, to be by him, her, or them respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Five or more of them, and Inhabitants respectively, shall agree upon; which said Money shall be paid to the said Trustees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

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

Provided

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired, do lie, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment to be held for the County wherein such Highway lies; and the Justices in their respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, as aforesaid, having first given Ten Days Notice, in Writing, of such Appeal, to the Surveyor or Surveyors to the said Trustees, as aforesaid. Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid. Roads to be measured, and Mile-stones erected. Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace for the County or Place where the said Offence or Offences shall be committed, or where the respective Party or Parties, who shall incur such Penalties and Forfeitures, shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring, by a Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis: and the same Penalties and Forfeitures, being so levied as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment; and shall be laid out and applied in and towards the repairing and widening the Roads by this Act directed to be repaired, of that Division in which such Offences shall be committed, or in making a new Road through private Grounds of the said Division, and keeping the said Road in Repair.

Overplus of the Money to be returned to the Owner.

Provided always, and be it further enacted, That the Overplus of the Money which shall be levied by such Distress and Sale as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall, if demanded, be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects of the Person or Persons who shall incur the said Penalties and Forfeitures, can be found, sufficient to answer the same, and the Charges of such Distress and Sale (if any such shall be taken and made) then, and in such Case, any Justice may, and is hereby authorized and required,

For want of Distress the Offender to be committed.

required, by Warrant or Warrants under his Hand and Seal, to cause such Person or Persons to be committed to the Common Gaol of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding One Calendar Month for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distress and Sale if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Three Calendar Months, nor less than Six Weeks, or until such Penalties and Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distress and Sale (if any such there be) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the

the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on Account of Form only; nor shall be removed by Certiorari into any of his Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ shall enter into a Bond with Two sufficient Sureties, in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order, shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be, or be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

not removeable by *Certiorari*,

until Security given to prosecute.

Proceedings to be entered in a Book.

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

Writings to be without Stamps.

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

No Order to be repealed, unless 7 Trustees be present.

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

sequent Order of the Trustees, unless Seven Trustees shall be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance from the First Day of June, One thousand seven hundred and fifty nine, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within 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, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by 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 by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken, to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.