Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing and widening the Roads from the Town of *Mold* to the Town of *Denbigh*, and from thence to *Tal-y-Cafn* and *Conway*; and from the Town of *Wrexham* to the Towns of *Ruthin*, *Denbigh*, and the Town and Port of *Ruthland*, in the Counties of *Denbigh*, *Flint*, and *Carnarvon*.

WHEREAS the Roads leading from the Town of Mold to the Town of Denbigh, and from thence to Tal-y-Cafn and Conway; and from the Town of Wrexham, to the Towns of Ruthin and Denbigh, and the Town and Port of Ruthland, in the Counties of Denbigh, Flint, and Carnarvon, are in a ruinous Condition, narrow in many Places, and dangerous to Travellers; and the same cannot be effectually repaired, widened, and rendered commodious, 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 Excel- Preamble.

lent 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 Sir Nicholas Bayley Baronet, William Bodvell, Robert Carreg, Hugh Davies, Edward Foulks Clerk, Owen Holland, John Holland of Tyrdan, Hugh Holland, Robert Howard, Owen Jones of Conway Clerk, John Jones of Llanrwst, Thomas Kyffin, Sir Roger Mostyn Baronet, John Owen of Bodidda, Sir Thomas Prendergast Baronet, Humphrey Roberts, John Salusbury of Bryn-y-barkit, William Stoddard, Sir John Wynne Baronet, Robert Wynne of Bodysgallen, General Warburton, Watkin Wynne, Robert Wynne of Bryn-y-niodd, Robert Wynne of Llanerch, Robert Wynne junior, Thomas Wynne of Glynn, Sir George Yonge Baronet, John Davis Clerk, John Bartholomew, Peter Maurice Clerk, Thomas Price Clerk, David Davies Clerk, Sir Walter Wagstaff Bagott Baronet, Sir Lynch Salusbury Cotton Baronet, Sir John Glynne Baronet, Sir Richard Grosvenor Baronet, Sir Thomas Longueville Baronet, Sir Thomas Salusbury Knight, James Apperley M. B. William Bagott, Arthur Bennett, Edward Bridge, William Bridge, Hugh Clough, John Conway of Ystrad, Robert Davies of Llenerch, Peter Davies of The Grove, the Aldermen and Bailiffs of Denbigh for the time being; John Dymmock of Acton, John Davies of Llanerch, Powell Clough, Robert Salusbury Cotton, John Edwards of Gallt-y-Kelin, Thomas Edwards Vicar of Wrexham, Peter Ellis Clerk, Robert Ellis of Llansant-fraid, Philip Fermhough, John Foulkes of Eriviat, Robert Foulkes, Rice Foulkes, Pierce Foulkes, John Griffiths of Garn, Benjamin Heaton of The Green, John Ince of Minera Clerk, John Jones of Gallt-vanainan, Andrew Kenricke, Richard Kenricke, Richard Langford Clerk, William Lloyd of Plaspower, John Lloyd of Havodynus, David Lloyd Clerk, Edward Lloyd of Plasmaddock, Robert Lloyd of Kefn Clerk, Edward Lloyd of Pengwern, Bell Lloyd, John Maddocks, Thomas Meredith, James Morgan of Stansty, John Mostyn of Segroit, William Mostyn, Richard Myddleton of Chirk Castle, William Myddleton, John Myddleton, Robert Myddleton Clerk, Robert Parry of Llanrhaiader, Robert Roberts Clerk, Hugh Peak of Green, Robert Price of Bathafarn, Thomas Price of Glyn, David Roberts, Eubule Roberts, Thomas Roberts of Denbigh, the Aldermen of Ruthin for the time being, John Salusbury of Bachegraig, Robert Salusbury, John Salusbury of Denbigh, Edward Thelwall, William Travers, Evan Vaughan of Bodiniss, Richard Vaughan of Kemmas,

Trustees Names.

John Vaughan of Groes, Peter Vaughan of Bodelioc, Robert Williams of Erbistock, Richard Williams of Pembedw, John Williams, Robert Williams of Pwll-y-crochon, Robert Wynne, Pierce Wynne, Owen Wynne of Llwyn, Gawen Lloyd, David Yale, John Yale Clerk, Simon York, Ellis Younge, John Jones Llwyni, Samuel Thornes, William Stodart Clerk, William Green of Llanbeder, John Dolben, Hugh Jones Clerk, Thomas Hughes Clerk, Edward Williams Clerk, Humphrey Humphreys Clerk, John Humphreys of Rothin, Doctor Price of Denbigh, Edward Salusbury Jones, James Price Clerk, William Lloyd of Foxhall, Paul Parten of Derwen, Doctor William Herring, Thelwall Price, Richard Price, Bennett Williams, Thomas Price of Rhug, the honourable William Noel Chief Justice of Chester, the honourable Taylor White, Owen Brereton, John Egerton of Hendre, Thomas Eyton of Leeswood, Pierce Edwards, Thomas Grosvenor, Humphrey Hanmer, George Hope, Thomas Hughes of Halkin, Edward Kynaston, Edward Lloyd of Tyddin, Robert Lewis of Mold Clerk, David Pennant, Thomas Pennant, Anthony Langley Swimmer, Thomas Thomas, Doctor William Wynne of Tower, John Wynne of Soughton, David Price Clerk of Llanelean, Isaac Charles Clerk of Llandrello, Thomas Jones Clerk of Kysfaen, William Conway of Soughton Clerk, the Reverend Master Peter Maurice of Chirk, the Reverend Master Jones of Penabon, Edward Edwards Clerk of Llansaintfraid, John Davis Clerk of Llangelynin; shall be, and they are hereby appointed Trustees for putting this Act in Execution.

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 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 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

Penalty on Persons acting, if not qualified.

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 Town of Mold to the Town of Denbigh, shall be, and be called, the First Division of the said Roads; and that such other Part of the said Roads as leads from the Town of Denbigh to Tal-y-Cafn and Conway, shall be, and be called, the Second Division of the said Roads; and that such other Part of the said Roads as leads from the Town of Wrexham, through Ruthin, to the Joining of the Road in the said First Division at Whitechurch, shall be, and be called, the Third Division of the said Roads; and that the remaining Part of the said Roads leading from the Town of Denbigh to the Town and Port of Ruthland, shall be, and be called, the Fourth Division of the said Roads; 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 Welch Widow, known by the Sign of the Faulcon in the Town of Denbigh, on the First Tuesday in 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 Place or Places near the said Roads of the said First Division, 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 John Owen at Tal-y-Cafn, on the Second Tuesday in June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act for the said Second Division, and shall then adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places near the said Roads of the said Second Division, as the said Trustees, or any Five or more of them, shall think fit, as often as it shall be ne-

cessary for putting this Act in Execution, for the said Second Division; and that the said Trustees, or any Five or more of them, shall meet at the House of Anderson, known by the Sign of the White Lyon at Ruthin, on the Third Tuesday in June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act for 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 of 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 at the House of Thompson known by the Sign of the White Lyon at Saint Asaph, on the Fourth Tuesday in June, One thousand seven hundred and fifty nine, and proceed to the Execution of this Act, for 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 of 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 the last 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.

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

Proviso.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or which 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.

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

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

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

by this Act made payable, such Person from and after his accepting such Place of Profit, and during the Time of 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 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, 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 take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads of the First Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads of the said Second Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads of the said Third Division; and also One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, the said Roads the said Fourth Division; and also a Toll-house to each Gate or Turnpike; and shall demand and take at 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,

The Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing any Carriage, the Sum of Three Pence.

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

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

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 Seven or more of them, or such Person or Persons as they, or any Seven or more of 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 and keeping the same, shall be paid; and it shall and may be lawful to and for such Person and Persons, after the Space of Four 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, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person or Persons having paid the Tolls or Duties hereby granted at Two Gates or Turnpikes, erected, by virtue of this Act, on the said Roads of the said First Division, shall be

Exemptions in the respective Divisions.

liable the same Day to pay any Tolls or Duties at any other Gate or Turnpike 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 Three Gates or Turnpikes 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 at any other Gate or Turnpike erected on the said Roads of the said Second Division; and that no Person or Persons having paid the Tolls or Duties hereby granted, at Three Gates or Turnpikes, erected by virtue of this Act, on the said Roads of the said Third Division, shall be liable the same Day to pay any Tolls or Duties at any other Gate or Turnpike erected on the said Roads of the said Third Division; and that no Person or Persons having paid the said Tolls or Duties at Two Gates or Turnpikes, 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 at any other Gate or Turnpike, to be erected on the said Roads of the said Fourth Division; such Person or Persons passing with the same Cattle or Carriage, and producing Notes or Tickets denoting that the said Tolls or Duties have been so paid; which Notes or 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 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 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. and take Tolls thereat.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall empower the said Trustees to erect any Gate or Turnpike upon that Part of the Roads hereby directed to be repaired, which lies between the Joining of the said Roads in the said First and Third Divisions at Whitchurch, and the Town of Denbigh, but that the said Road shall be repaired and maintained out of the Tolls collected within the said First and Third Divisions, and the Money borrowed on the Credit thereof, in an equal Proportion; any thing herein contained to the contrary notwithstanding. No Turnpikes to be erected between *Whitchurch* and *Denbigh* Town.

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 Two 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. Turnpikes and Toll-houses vested in the Trustees.

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 Application of the Tolls.

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 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 Seven 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 Seven 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; which Composition Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to such Person who they shall appoint to receive the same.

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, who shall carry or draw any Quantity of Materials for repairing the said Roads, or

any

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; 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 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 Denbigh, Flint, or Carnarvon, on the Days of such Election, or the Day before or the 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 by Passes.

Penalty on making illegal Claims.

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

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 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,

Tolls may be assigned for Money borrowed.

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; and also 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; and also 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; 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; and the said Trustees, or any Seven or more of them, 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 Num-

ber 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.

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.

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 Seven 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 Seven or more of them, shall think necessary or convenient, within and for the several and respective Divisions aforesaid; and such Collectors

and remove them, and appoint others.

lectors 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.

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, 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, 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

Officers refusing to account;

Justices to enquire into the Default,

and levy the Money by Distress and Sale.

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 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.

For want of Distress, Offender to be committed.

And be it enacted, That if any Person or Persons who shall have been, or shall be, appointed the Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Trusts and Powers hereby granted to the said Trustees; it shall and may be lawful for the said Trustees, or any Five or more of them,

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

them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County or Place wherein the Offender or Offenders shall dwell, there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable concerning the said Books, Papers, and Writings.

Treasurer to give Security.

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

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

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, Ale house, or other House of Publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of 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 Seven 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 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

without paying for the same; levelling the Pits;

in

if sufficient Materials cannot be had there, they may be taken from Private Grounds;

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, Stones, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, 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

making Satisfaction to the Owners.

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, 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 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 concerned or interested therein.

Justices to determine Differences.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either

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.

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 aforesaid, 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

Surveyors may remove Annoyances,

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.

Penalty of a Second Offence.

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.

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

Surveyors may set Men to do the same.

Charges to be levied by Distress and Sale.

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, for the Purchase of any such Lands, Grounds, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think necessary

to

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to be used for the Purposes aforesaid, 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 collected in the Division where such Roads shall be widened, turned, or altered, 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, or through which any Part or Parts of the said Roads may be turned, for turning, widening, altering, or mending the same; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, 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 or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or 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

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

all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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 through 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 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, Proprietors, or other Person or Persons interested in such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine, upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (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 Damages 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

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned and examined upon Oath.

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 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; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any 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

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.

Jurors may be challenged.

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

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 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.

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 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, within the Division where such Road shall be widened, turned, or altered, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the 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, 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 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, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in, or constituting the old or former Road, shall be vested

Old Road may be sold.

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.

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, unless the Owner thereof shall consent thereto.

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 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, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint; And that every Inhabitant of

Inhabitants to do Statute-work.

the

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

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.

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

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, who are liable to do their Statute-duties in and upon the said Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors not delivering in such Lists;

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, 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 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

and on Persons not performing Statute-work.

upon

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 or Person, who shall keep, or, by virtue of this Act, shall be deemed to keep, a Team, for every Day's Work, for each Team, 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 or they, or the respective Person or Persons on whose Behalf he 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 or they had neglected to come, or such Team had not been sent to work on the said Roads.

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

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Seven 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 Seven or more of them, and Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-

tute-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 Session of the Peace next after such Direction or Appointment to be held for the County wherein such Highway lies, unless the same shall be made within Fourteen Days preceding such next Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their respective Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, as aforesaid, having first given Ten Days Notice, in Writing, of such Appeal, to the Surveyor or Surveyors to the said Trustees.

Roads to be measured, and Mile-stones erected.

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

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed; which Warrants the said Trustees, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to grant, upon the Information of any One or more credible

Witness

Witness or Witnesses upon Oath (which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads in the respective Division wherein, or in Relation whereto, such Offence shall be committed; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Trustees, or Justice or Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place wherein such Offence shall be committed, for any Time not exceeding Three Months for the First Offence, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid; and for the Second and every other Offence of the same Kind, for any Time not exceeding Six Months, nor less than Three Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, 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 reasonable Notice in Writing of such Appeal, and of the Cause and 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

Notice of Appeal to be given.

such

such Notice 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.

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

not removable by *Certiorari.*

Distress not to be deemed unlawful for want of Form,

nor the Party distraining be deemed a Trespasser *ab initio.*

And be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Defect or Want of Form, in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

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

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

Proceedings to be entered in 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

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 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 passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted 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 in 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

General Issue.

fendant 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.'

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.