Anno tricesimo tertio

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the High Road from the Borough of *Tamworth*, to *Ashby de la Zouch* in the County of *Leicester*; and from *Sawley Ferry* in the said County, to a Turnpike-gate, at or near the End of *Swarcliff Lane*, leading to *Ashby de la Zouch* aforesaid.



WHEREAS the High Roads from the Borough of Tamworth to the Town of Ashby de la Zouch in the County of Leicester, and from Sawley Ferry in the said County, to a Turnpike-gate at or near the End of a Lane called Swarcliff Lane, leading to, and in the Liberty of, Ashby de la Zouch aforesaid, are so very deep and sounderous, and some Parts thereof so narrow, that Carriages and Passengers cannot travel thereon without great Inconvenience and Danger, and the same are not, by the ordinary Course appointed by the Laws and Statutes of this Realm, to be effectually amended, widened, and kept in Repair, unless some other Provision be made for that Purpose: For Remedy whereof, and to the Intent the said Roads may, with all convenient Speed, effectually be amended, widened, and hereafter kept in good and sufficient Preamble.

ficient Repair, so that all Persons may travel along the same with Safety; May it 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 Thomas Abney, William Abney, Esquires; Christopher Astley, Edward Ashpinshaw, John Averne, William Aston, John Almey, Gentlemen; Sir Robert Burdett Baronet, John Cave Browne, Robert Bakewell, Philip Harley Bainbrigge, Esquires; the Reverend Thomas Billio, the Reverend Thomas Beaumont, Clerks; Samuel Beardsley, Alphens Burgin, John Beardsley, Joseph Barratt, Edward Ball, Gilbert Bradgate, William Burslem, John Bindley, Thomas Bedford, Gentlemen; Godfrey Clarke, Richard Cheslyn, Esquires; the Reverend Peter Cowper, the Reverend Simon Collins, Clerks; Nathaniel Curzon, William Cranke, John Clarkson, Timothy Clarkson, John Chiswell, Samuel Crosland, Gentlemen; the Reverend John Dalby Clerk, Atkin Dawson, Edward Dawson junior, Thomas Drake, William Dyall, Thomas Darlaston of Wiggington, Thomas Dabbs senior, Thomas Dabbs junior, Robert Dickinson, Thomas Everard, Gentlemen; Leonard Fosbrooke, Thomas Fosbrooke, Esquires; Thomas Flavel, Thomas Farmer, Josiah Flayil, Gentlemen; Joseph Greaves Esquire, the Reverend Thomas Gresley, the Reverend Francis Gibbs, Clerks; Robert Green, Thomas Green, George Grundy, Gentlemen; Sir Henry Harpur Baronet, John Hawkes, Robert Hemington, Esquires; the Reverend John Husband, the Reverend Joseph Hooley, Clerks; William Hill and John Hill of Measham, Gentlemen; Charles Jennens, William Inge, Esquires; Thomas Kirkland Gentleman, Sir Mathew Lamb Baronet, Robert Lawley, Simon Luttered, Esquires; Henry Lakin, Richard Lane, William Lion, Gentlemen; Wrightson Mundy, Charles Mundy, Hugo Meynell, Esquires; the Reverend Thomas Moore, the Reverend Thomas Mould senior, the Reverend Thomas Mould junior, Clerks; Thomas Moore of Thorpe, Constantine, Thomas Moore of Appleby, John Mynors, Humphry Milner, Gilbert Mainwaring, Josiah Marshall, Joseph May, John Matchett, John Needham, Henworth Newton, William Norton, Thomas Nicklinson, James Oldershaw, George Orton, Timothy Orton, Gentlemen; Sir Thomas Palmer Baronet, Samuel Phillips Esquire, the Reverend Nathaniel Pigge, the Reverend Samuel Pipe, Clerks; John Piddocke, Charles Pestell, Samuel Prinsep, Edward Plaisted, Gentlemen; Charles Repington Esquire, the Reverend,

Trustees Names.

verend John Rolleston Clerk, Thomas Richards, Samuel Richards, John Roby, Thomas Roby, Edward Ruſs, William Reaſon, Gentlemen; Edward Smith, James Shuttleworth, Samuel Swinfen, Eſquires; Thomas Smith, Gentleman, Thomas Sills, the Honourable George Townſhend, John Taylor Eſquire, Thomas Toone junior, William Toone, John Taylor junior, John Towle, Gentlemen; the Right Honourable George Buſſey Villiers, commonly called Lord Villiers, John Vaughton Gentleman, the Honourable Thomas Willoughby, Stanford Wolferſtan, William Wollaſton, Eſquires; Littleton Wolferſtan, Edward Wolferſtan ſenior, Edward Wolferſtan junior, John Ward, John Willington, Edward Woodcock, John Woodcock, Francis Woodcock, John Watterſon, Joſeph Wilkes, Gentlemen; Thomas Allſopp, Thomas Aſley, Gentleman; the Reverend William Bentley Clerk, Joſeph Boyer, Thomas Boultbee, William Buttery, Henſhaw Briggs, Gentlemen; the Reverend Joſiah Cockſhutt Clerk, John Clifford Gentleman, Edward Dawſon Eſquire, John Davys Gentleman, the Reverend Edward Ellis Clerk, Edward Farnham Eſquire, Thomas Fiſher, John Farnham, Henry Foſbrooke, Gentlemen; the Reverend Thomas Green, the Reverend Thomas Heath, Clerks; William Herrick, John Hopkins, Gentlemen; Nathaniel Palmer Johnſon Eſquire, John Kirkland Gentleman, the Reverend Caleb Lowdham Clerk, Thomas Pochin Doctor in Phyſick, Samuel Phillipps Eſquire, William Pochin, William Pym, Hugh Platt, William Ragg, Gentlemen; Samuel Stevens Eſquire, the Reverend George Sinclair, Richard Sutton Gentleman, the Reverend Cockſhutt Twiſſleton Clerk, John Trowel Gentleman, the Reverend Granville Wheler Clerk, Granville Wheler junior, John Watkinſon, and Thomas Walton, Gentlemen; ſhall be, and they are hereby nominated and appointed, Truſtees for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given and granted; and that they, and the Survivors of them, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in or croſs any Part or Parts of the ſaid Roads; and ſhall and may, from time to time, remove the ſaid Gate or Gates to any other Part of the ſaid Road, as they ſhall ſee convenient; and alſo ſhall and may erect, or cauſe to be erected, a Toll-houſe or Toll-houſes in or upon the ſame; and ſhall demand and take, at every ſuch Gate or Turnpike, the following

Truſtees may erect Turnpikes, &c.

and take the following Tolls thereat.

Tolls or Duties, before any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, Bullock, or other Beast of Draught, drawing in any Carriage, the Sum of Three Pence (except those drawing in Waggons with Wheels full Nine Inches broad;) and for such Horse, Mare, Gelding, or other Beast of Draught, the Sum of Two Pence.

For every Pair of Millstones, the Sum of Two Shillings and Six Pence.

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

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

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

Which said respective Sum and 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 directed; and that it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands, shall from time to time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to levy the same upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Horse or Horses, or any other Cattle or Goods, upon which any Toll or Tolls is and 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 such Goods and Chattles, so distrained, until such Tolls and Duties, with the reasonable Charges of such detaining and keeping shall be paid; and such Person or Persons so distraining, after the Space of Four Days next after such Distress

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

stress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls or Duties, and reasonable Charges for distraining, keeping, and detaining the same, shall be deducted and paid.

Qualification of Trustees.

Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, in any Case, who is not in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Forty Pounds above Reprizes, or is possessed of, or intitled unto, a Personal Estate, to the Amount or Value of One thousand Pounds; and if any Person or Persons so made incapable, shall presume to act, every such Person, for every such Offence, shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way, before the Justices of the Peace, at their Quarter Sessions, or before the Judge or Judges of Assize for the said Counties of Stafford, Warwick, Derby, and Leicester, and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that the Person hath acted as a Trustee in the Execution of this Act; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Roads.

Penalty on acting if not qualified.

Tolls arising in the Trustees.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls and Duties that shall be collected by virtue of this Act, at the several Turnpikes so to be erected on the said Road as aforesaid, or out of such Money which shall be borrowed on the Credit of this Act, the Trustees for repairing the said Road directed to be repaired, or any Five or more of them, shall, in the first Place, pay off and discharge all the Money raised for defraying the Expences and Charges of procuring and passing this Act of Parliament, or which shall be applied in putting up and erecting such Turnpikes and Toll-houses as they shall think proper on the said Road, or which shall be applied thereout in Repair of the said Road; and that from and after paying off and discharging such Money as aforesaid, then and from thenceforth the Money arising by the Tolls and Duties, which shall be collected at any Turnpike or Turnpikes so to be erected and set up by virtue of this Act, shall be laid out and applied for and towards the repairing of the said Road, and other necessary Charges attending

Tolls may be levied by Distress and Sale.

Tolls may be collected 4 Days

tending such Repairs, and to and for such other Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned and directed.

Time and Place 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 at the House of Francis Spencer, being the Sign of the Queen's Head, in Ashby de la Zouch, on the Thursday Three Weeks next after the passing of this Act, and shall proceed to the Execution of this Act, and shall then adjourn themselves to the House of Harry Smith, known by the Sign of the Castle, in the Borough of Tamworth aforesaid, or to some other Place in the said Borough, as the said Trustees, or any Five or more of them, shall think proper or convenient, and shall then adjourn themselves alternately to the said Town of Ashby de la Zouch, and to the said Borough of Tamworth, as often as it shall be necessary for putting this Act in Execution, unless it shall sometimes be found convenient to adjourn to some other Place upon the said Road: And if it shall happen, that there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be fixed on all the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House in Ashby de la Zouch, or the Borough of Tamworth aforesaid, as it shall happen, in Turn as aforesaid, or at some other convenient Place upon the said Road as aforesaid, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number of Trustees to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Act valid, except done at a publick Meeting of the Trustees.

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 them, or any of them, except it be at a Meeting to be by them 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 or Persons, appointed or to be appointed a Trustee or Trustees in or by virtue of this Act, shall have or accept of any Place of Profit arising

out

out of the Tolls and Money by this Act made payable, such Person or Persons, from and after his and their accepting such Place or Places of Profit, and during the respective Time of his and their holding and enjoying the same, shall be incapable of acting as a Trustee or Trustees in or under this Act, or in the Execution of the Authorities and Powers to them given: And that no Innholder or Victualler, or Person who shall sell or retail any spirituous or fermented Liquors, shall be capable of holding or enjoying any Office or Place of Trust by virtue of this Act.

Victuallers, &c. disqualified from holding any Place of Profit under this Act.

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, who shall be a Justice or Justices of the Peace, may, and is, and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

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

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive and remain, or any Five or more of them, by any Writing or Writings under their Hands, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint One or more fit Person or Persons qualified to act as a Trustee or Trustees according to the Directions of this Act, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act, as aforesaid; and such Person or Persons, so to be elected, nominated, or appointed, shall be joined with such surviving and remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act: And Notice of the Time and Place of Meeting for the Election of such Trustee or Trustees shall be given by the Clerk or Clerks to the Trustees for the time being; who is and are hereby required to fix, or cause to be fixed, such Notice in Writing at One or all of 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 chosen and appointed to be joined with such surviving and remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample

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

Manner, as the said Trustees, nominated by this Act, are hereby authorized and impowered to act and do.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, 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, and upon, in, or across, any Way or Lane leading out of the same; and there to take and levy, and 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 of the Gates or Turnpikes erected by virtue of this Act; and so as no Person or Persons be compelled to pay any thing at such Side-gates for crossing the Road to be repaired by virtue hereof, or for travelling thereupon with any Horse or Carriage whatsoever for the Space of One hundred Yards.

and take Tolls thereat;

so as the same extend not to a Double Charge.

No Turnpike to be erected in the Liberty of *Measham*.

Provided always, and be it further enacted, by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up, by virtue of this Act, upon any Part or Parts of the Road hereby directed to be repaired, or on the Sides thereof, which lies within the Liberty of Measham, in the said County of Leicester; any thing herein contained to the contrary notwithstanding.

Turnpikes and Toll-houses, &c. 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 of their Treasurer or Clerk; or to prefer, and order and direct the preferring, of any Indictment, against any Person or Persons as shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Ditches, Mounds, or Fences, which shall, by virtue of this Act, be erected or made upon, in, or across, or on the Sides of, the said Roads or By-ways, or any or either of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

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

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

And it is hereby further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, with the Consent of the Person

or Persons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, from time to time, to lessen the several Tolls and Duties hereby granted and made payable, for such Time as the said Trustees, or any Five or more of them, shall think proper; and such Tolls, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted, are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day;

And be it further enacted by the Authority aforesaid, That no Person or Persons, having Occasion to pass through any Turnpike or Turnpikes, to be erected or set up on the Road between the said Borough of Tamworth and the said Town of Ashby de la Zouch, and who shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock at Night, shall be liable or compelled to pay the said Tolls and Duties more than Once; and that no Person or Persons shall be liable or compelled, the same Day, to pay at more than One Gate or Turnpike in passing and re-passing between the said Town of Ashby de la Zouch, and Sawley Ferry; or at more than Two Turnpikes, the same Day, in passing and repassing between the said Borough of Tamworth and Sawley Ferry: Nor shall any Person or Persons be liable or compelled, the same Day, to pay at more than One Turnpike in passing and re-passing from Breedon on the Hill to Appleby (through or near which Towns the said Road from Tamworth to Sawley Ferry doth lie) with the same Coach, Berlin, Chariot, Landau, Calash, Chair, Chaise, Hearse, Litter, Waggon, Wain, Cart, or other Carriages, Horse, Gelding, Mare, Mule, Ass, or any other Sort of Cattle, for which such Tolls or Duties have been paid.

except between *Tamworth* and *Sawley Ferry*.

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

And, for preventing the committing of Frauds and Abuses in the said Tolls or Duties hereby granted, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty; every such Person, giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be recovered, levied,

levied, and disposed of, as any other Penalty or Forfeiture is hereby directed to be recovered, levied or disposed of.

Exemptions from Tolls.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for carrying through any of the Turnpikes to be erected by this Act, any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Road, or for mending any of the Highways in the Parishes or Townships in which the Road directed by this Act to be repaired doth lie; or going for, or returning through any of the said Turnpikes with, any Dung, Mould, or Compost, of any Nature or Kind soever, to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens (Lime only excepted) nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Waggons, Wains, or other Carriages, or for any Horse, Mare, Gelding, Or, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides, of the Owners thereof; nor for any Ploughs, Harrows, or other Implements of Husbandry, or for any other Things whatsoever, belonging to, or employed by, such Inhabitants respectively only in Husbandry, manuring or stocking of Lands, lying within such Parishes, Townships, or Places, adjoining to the said Road; nor shall any of the Tolls or Duties aforesaid be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, in which the said Road hereby directed to be repaired doth lie, who shall pass through the same Turnpikes to and from Church, or any other Place of religious Worship tolerated by Law, on Sundays, or who shall attend the Funeral of any Person or Persons, who shall die and be buried in any of the said Parishes; or for any Horses, Geldings, Mares, or any other Cattle, going to, or returning from, Pasture or Water, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said Road; or for any Post-horses or Vehicle carrying the Mail or publick Packet; or for the Horses of any Officers or Soldiers on their March; or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim or 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, to be recovered and applied in Manner herein after directed.

Penalty on Persons going thro' or permitting 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, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage, go or pass through any Ground, Parcel of Land, or other Places, adjoining to, or lying near, the said Road, or any of the Gates or Turnpikes by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; 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, Cart, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety thereof shall be paid to the Informer or Informers of such Offence respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety thereof shall be applied towards amending the said Roads.

or taking off Horses, &c.

to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act laid and made payable, as aforesaid, will not at present be sufficient for the speedy widening and repairing of the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument (without any Stamp to be impressed thereon) under their Hands and Seals, to assign over

over or mortgage the said Tolls or Duties, or any Part thereof, arising by virtue of this Act (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of the said Tolls or Duties) for any Time or Term during the Continuance of this Act, or any Part of such Time or Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls, to be collected after their first Meeting, unless Notice be for that Purpose fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gates erected or to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all and every the Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book or Books, to be kept for that Purpose by the said Clerk or Treasurer, who shall receive the same Money; for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; which said Book or Books shall and may be perused at all seasonable Times, by any Person or Persons whomsoever, without any Fee or Reward.

Clerk's Fee.

Assignments may be transferred,

And it is also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, or who shall be intitled to the Money thereby secured, shall and may, from time to time, on the Back of his, her, or their Security, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, to any other Person or Persons whomsoever: And the said original Assignment, after such Transfer shall be made, shall be produced and notified to the said Clerk or Treasurer, appointed or to be appointed by the said Trustees, or

Entries to be made of all Assignments.

any Five or more of them, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments; for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and, after such Entry made, such Assignment shall invest such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Money thereby due, or any Part thereof. Clerk's Fee.

Provided always, and it is hereby declared, That no Preference or Priority shall be given to any Security or Securities that shall be made by the said Trustees, to any Person or Persons whomsoever, who shall advance or lend any Sum or Sums of Money upon the Credit of the said Tolls or Duties. All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, present at the First or any succeeding Meeting, may, and are hereby authorized and impowered to chuse 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; 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 that Purpose being fixed on the Turnpikes erected by this Act at least Ten Days before such Election; and may, and they are hereby authorized and impowered, out of the Money 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 Trustees to appoint Officers, and remove them, and appoint others; 10 Days Notice to be given of such Election. Trustees to allow Officers Salaries.

their Attendance, Care, and Service, in these Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable.

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 Money which shall be raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he and they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up, to the said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing, of all the Money which shall have been by them respectively had, collected, or received, and who, and to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Money 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, or, being of the People called Quakers, upon their solemn Affirmation by Law appointed for such People (which said Oath or Affirmation the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officer and Persons) verify their 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 accounting or 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 and deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or Affirmation, as aforesaid, 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,

Officers refusing to account; &c.

they, or any Five or more of them, shall direct or appoint, then, and in either or any 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, or in the Name of the Treasurer for the time being; against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money 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 for 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, by a Warrant or Warrants under his or their Hand and Seal, Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and, upon his or their appearing, or not being to be found, to hear and determine the Matters 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 credible Witness or Witnesses (which Oath or Oaths such Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) it shall appear to such Justice or Justices, that any of the Money 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 Non-payment 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 Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time or Place by him or them appointed for that Purpose, upon Notice thereof in Writing being delivered to such Officer

Justices to enquire into the Default,

or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; 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, upon Oath or Affirmation 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 impowered, 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 where such Officer or Officers, Person or Persons shall live and 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 or Affirmation, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distresses and Sales, 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 to them stipulated to be paid; which said Compositions the said Trustees, or any Five or more of them, are hereby authorized and impowered to make.

and commit Defaulter to Gaol,

until he shall conform.

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, or any other Officer or Officers 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.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be appointed by the said Trustees, or any Five or more of them, as aforesaid, and such Person and Persons as he and they shall appoint, to dig, gather, take, and carry away, or cause to be digged, gathered, taken, and carried away, any Gravel, Furze, Heath, Sand, Stones, Flints, or other Materials, out of any Brook, or out of or from any Waste or Common Ground or Grounds, in any Parish, Town, or Place in,

and joining to, the Roads aforesaid, proper and convenient for repairing of Roads, or in any adjoining Parish, Town, or Place, to be used, disposed of, and applied, in repairing the said Roads, without paying any thing for the same; such Surveyor or Surveyors filling up and levelling, or cause to be filled up and levelled, all such Holes and Pits, where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away: And where there is not sufficient of any such Materials in any such Brooks, Commons, or Waste Ground, as aforesaid, it shall and may be lawful for such Surveyor and Surveyors, by Order of the said Trustees, or any Five or more of them, to dig, and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings shall for the time being stand, or Garden, Orchard, Yard, Park, or planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground planted, set apart, and used, as a Plantation and Nursery for Trees) where such Materials are, or may be found; and from time to time to carry away the same, or so much thereof as the said Surveyor and Surveyors, in their respective Places, shall judge necessary for repairing and amending the Roads aforesaid; paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds, where and from whence the same shall be digged, gathered, and carried away, or over which the same shall be carried, as the said Trustees appointed, or to be appointed, for repairing the said Road, or any Five or more of them, shall adjudge reasonable: And in case of any Difference or Dispute concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in the County where and from whence such Materials shall be digged, gathered, taken, and carried away, shall and may adjudge, assess, and finally determine, the same.

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 of the Grounds.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, Watercourses, Sinks or Drains, running into the same, or otherwise: And if, after Removal

Surveyors may remove Annoyances.

Persons convicted of a Second Offence, to forfeit 20s.

moval of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted, upon Oath, before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings, to be recovered, levied, and disposed of, in such Manner as is herein after-mentioned.

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 appointed or employed, may, and is and are hereby authorized and impowered (the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways; and to cut and make Drains through, and to make and erect Bridges or Arches of Brick, Timber, or Stone, upon; and also to widen any of the narrow Parts of the said Road, by opening, clearing, or laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as the said Road be made at least Thirty Feet wide, (but not to injure any House, Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to any House;) and cut down and remove any Trees, Bushes, or Underwoods, growing in or upon the Road; and also to cause Ditches and Trenches to be made in such Manner as such Surveyor or Surveyors, by Order of the Trustees, or any Five or more of them, shall adjudge necessary, for the better amending, widening, and keeping the said Roads in good Repair; making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid into the said Roads, or through which any such Drain or Drains shall be cut, or on which any such Bridge or Bridges, Arch or Arches, shall be made, for the Damage which such Owner or Owners shall or may thereby sustain, as the said Trustees appointed, or to be appointed, for repairing the said Road, or any Five or more of them, shall adjudge reasonable: And in case of any Difference or Dispute concerning the same, between such Owner or Owners and the said Trustees, touching such Damage, or concerning the Value of such Ground which shall be so laid into the said Roads, the same shall be assessed and adjudged by the Justices of the Peace, or the

and widen the Roads;

and cut down Trees, &c.

and make Ditches, &c.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences relating thereto.

the major Part of them, at the next General Quarter Sessions to be holden for the County wherein such Ground shall lie, which shall be so laid into the said Roads, through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Bridge or Bridges, Arch or Arches, shall be erected, or such Causeways made; which Adjudication of the Justices shall be final: And if any Owner or Owners of any Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour or cleanse the same Twice in every Year, during the Continuance of this Act, after Ten Days Notice shall be given for that Purpose by the said Surveyor or Surveyors to be appointed, or by such Person or Persons as shall be appointed by him or them, to the Owner or Owners of such Watercourses, Ditch or Ditches, it shall and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men at work to scour and cleanse the same; and, by Warrant of any Five or more of the said Trustees, to levy the Charge thereof upon the Person, Goods, or Estates, of the respective Owners or Occupiers of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, and their Goods and Chattles; rendering the Overplus (if any be) to such Owner or Occupiers respectively, after all Charges paid, when demanded.

Owners neglecting to scour their Ditches, after Notice,

Surveyors may set Men to do the same,

and levy the Charge.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired, (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, through, over, or along which such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall

Trustees may make a temporary Road, whilst the old Road is repairing,

making Satisfaction to the Owners of such Grounds.

or may sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions of the Peace, or at their Second Quarter Sessions at farthest, to be holden for the County in which such temporary Road shall lie, or the major Part of them present at such Quarter Sessions, and they are hereby required to hear, settle, adjudge, and finally determine the same.

Justices to determine Differences.

Penalty on haling Timber, otherwise than with Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale, draw, or cause to be haled upon, in, or along, the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, or Piece or Pieces of Timber, otherwise than and except upon Wheels and Carriages, every such Person or Persons, for every such Offence, shall forfeit the Sum of Twenty Shillings, to be recovered and applied in Manner hereinafter directed.

Persons chargeable to the Repairs of the Roads to continue so.

And be it further enacted by the Authority aforesaid, That where any particular Part or Parts of the said Road, or any Bridges, Drains, and Sewers, lying in and upon the said Road hereby intended to be repaired, and which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, all and every such Part and Parts of the said Road, Bridges, Drains, and Sewers, so lying in and upon the said Road, shall, from time to time, be maintained and kept in Repair by such Person and Persons, Body Politick and Corporate, and in such Manner, as the same were respectively maintained and kept in Repair before the passing of this Act.

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, and that the said Trustees may have Power to compel such Persons to do such Statute-work as by Law they are liable to do, be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, during the Continuance of this Act, by any Writing under their Hands, order and direct

direct every Person or Persons occupying any Estate or Estates, or inhabiting, within any of the respective Parishes, Townships, or Places, in which the said Roads do lie, to do their Statute-work; and shall and may summon the Surveyor or Surveyors of the Highways of and for the said respective Parishes, Townships, or Places, to appear before them at their next Meeting, and to bring a List in Writing, upon Oath or Affirmation, of the Names of all Persons who, within each Parish, Township, or Place, are respectively obliged by Law to do their Statute-work for that Year on the said Road with Teams and Draughts, Horses, and Labourers, or otherwise, in their several Parishes, Townships, or Places, respectively; out of which List the said Trustees shall and may allot, appoint, and order, such and so many Persons to do their Statute-work on the said Roads, as they shall think fit, provided the same do not exceed Three Days Work with each Carriage, Team, Draught, Horses, or Labourers, in any One Year; which said Statute-work shall be done on the said Roads, by such of the Persons as shall be appointed to do the same, on such Days, and at such Times, and in such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from time to time direct and appoint: And if any Person or Persons shall neglect or refuse to do such Statute-work so allotted, appointed, and ordered to be done, as aforesaid, every such Person or Persons, for every Day he or they shall make Default, shall forfeit and pay the Sum of Ten Shillings for each Team or Draught, and Three Shillings for each Horse, and One Shilling and Six Pence for each Labourer: 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 and they, or the respective Person and 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: And in case the Surveyors of the Highways in the respective Parishes or Townships, or any of them, shall refuse or neglect to give in such List of the Names, as aforesaid, to the said Trustees, then each and every such Surveyor and Surveyors of such Parishes or Townships, so refusing or neglecting to give in such Lists as aforesaid, shall,

Parish Surveyors to give in Lists of the Persons who are chargeable to do Statute-work, &c.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Penalty on Surveyors not delivering in such Lists.

for every such Refusal or Neglect, being thereof lawfully convicted upon Oath or Affirmation, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, forfeit and pay the Sum of Forty Shillings; which said Penalties of Forty Shillings, Ten Shillings, Three Shillings, and One Shilling and Six Pence, shall be recovered, levied, and applied, in Manner herein after directed.

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

Provided always, 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, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Road belongs, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Road, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected on the said Road, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriages, Horse, Gelding, Mare, Ass, or Mule, or other Cattle, for any Sum or Sums to be paid Quarterly from time to time, after such Agreement shall be made.

Composition-money how to be recovered and applied.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through the said Turnpikes or Gates, to be erected by virtue of this Act, Toll-free; or in lieu of any Work or Repairs to be done by any Owners, Occupiers, or Possessors, of any Lands, Tenements, or Hereditaments, or such Bodies Politic or Corporate, liable or chargeable, by Tenure of Lands, as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace for

the County wherein such Parish or Parishes doth or do lie, by Warrant under his or their Hands and Seals, to impower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money (Oath being first made, that the same has been demanded, and remains unpaid; which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person and Persons so having compounded for passing through any of the Turnpikes Toll-free as aforesaid, or of such Person or Persons who shall so compound for or in respect of the said particular Work or Repairs to be done as aforesaid; returning the Overplus (if any be, and demanded) after the Charges of such Distress and Sale thereout first deducted.

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, from time to time, at a Publick Meeting (Notice in Writing of such Meeting being fixed on all the Gates to be erected by virtue of this Act at least Ten Days before such Meeting) make such Satisfaction to the Corporation of Tamworth for any special Damage that shall be occasioned to the Road or Streets belonging to the said Corporation, on account of any Increase of Carriages that shall pass from the Hand at the Top of Stony Lane, through Gungate, Eldergate Lane, and Silver Street, to Lady Bridge, as they shall think reasonable.

And forasmuch as the Inhabitants of the Parish of Ashby de la Zouch, through which the said Road hereby intended to be repaired doth lie, have already done and performed a Proportion of their Statute-work towards repairing the several Turnpike Roads from the Borough of Leicester to the George Inn in Ashby de la Zouch aforesaid, and from the George Inn aforesaid to the Cock Inn in Tutbury, and from the Town of Loughborough to Ashby de la Zouch aforesaid; and the Inhabitants of the Parish of Packington, through which the Road hereby intended to be repaired doth lie, have also done and performed their Proportion of Statute-work towards repairing the said Turnpike Road from the said Borough of Leicester to Ashby de la Zouch aforesaid; be it therefore enacted by the Authority aforesaid, That the Surveyor or Surveyors, to be appointed by virtue of this Act, shall and may, and are hereby authorized and impowered to call upon the Inhabitants of the said several Parishes to

Inhabitants, &c. to do 3 Days Statute-work.

do and perform Three Days Statute-work on the said Road hereby intended and directed to be repaired, lying within the said Parishes respectively, for this present Year, One thousand seven hundred and sixty; and afterwards the Inhabitants of each of the said Parishes shall be obliged to do and perform alternately Three Days of their Statute-work in each Year, towards the Repair of the Road hereby intended to be repaired, and of the said other Turnpike Roads lying through the said Parishes respectively, as heretofore.

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, 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:

Penalty on defacing Mile-stones, &c.

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 Person so offending, and convicted thereof, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Trustees, or any Five or more of them, or the Justice or Justices of the Peace for the County or Place where the Offence shall be committed, before whom such Conviction shall be made; 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: And in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful for any One or more of such Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County wherein such Offence shall be committed, there to remain for the Space of Two Calendar Months, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged

to be levied by Distress and Sale.

For want of Distress the Offender to be committed.

till he, she, or they shall have paid the Sum of Forty Shillings, or until the Expiration of the said Two Calendar Months.

Penalty on diverting any Stream.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and unlawfully divert, obstruct, or drain off any Water, which, by Order of the Trustees, or the Surveyor or Surveyors by them appointed, shall be reserved to run or be let in or upon any Part of the said Roads; every Person so offending, and being thereof convicted upon Oath or Affirmation before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall forfeit the Sum of Forty Shillings, to be levied by Distress and Sale of the Offender's Goods and Chattles: And where no Distress can be found, it shall and may be lawful for the said Justice or Justices to commit the Offender or Offenders to the Common Gaol of the County wherein such Offence shall be committed, there to remain for the Space of Two Calendar Months, without Bail or Mainprize.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed and incurred (touching which no other Provision is herein made) shall be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal of One or more Justice or Justices of the Peace of the County or Place where the respective Party or Parties, who shall incur such Penalties and Forfeitures, shall live; which Warrant or Warrants such Justice or Justices of the Peace is and are hereby impowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees, or any Two 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) to the Party or Parties whose Goods or Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go and be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the time being, and shall by them respectively be applied and laid out (if not otherwise applied and disposed of by this Act) for and towards the amending the Road intended to be repaired by virtue of this Act.

Persons aggrieved may appeal to the Quarter Session.

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, Or-

der, 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 Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said 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 and interested therein.

Notice of Appeal to be given.

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 Execution of 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 Costs and Charges to be awarded by the Court, into which such Conviction, Judgement, or Order, shall be, or intended to be, removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Proceedings not to be quash'd for want of Form only;

nor removeable by *Certiorari*, until Security given to prosecute.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Money that shall be collected, received, borrowed, 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

Proceedings, &c. to be entered in a Book.

Powers

Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, And be it further enacted 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 or 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, made by any Person or Persons, shall be charged or chargeable with any Stamp Duties whatsoever.

No Order made shall be repealed, unless Nine 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 Nine of the Trustees shall be then present.

Commencement and Continuance of the Tolls.

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 Day next after the passing of this present 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 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 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

General Issue.

shall be had thereon; 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; 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 Nonsuit, 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.