Anno tricesimo tertio

Georgii II. Regis.

An Act for repairing and widening the High Roads from *Hinckley* to *Woefull Bridge*, and also from *Hoo-ash-Lane*, through *Old Lane*, and from *Swannington* to *Lee Gutter*; and from thence to *Melbourn Common*, and from *Ibstock* to *Measham*, in the Counties of *Leicester* and *Derby*.

WHEREAS the High Road from the Hand or Guide Post in Duck Paddle Street, in the Town of Hinckley, in the County of Leicester, to or through Cadeby, through Osbaston, Nelson, Ibstock, by Ravenstone, through Hoo-ash-Lane, Swannington, Froggat's Lane, and over Breedon Brand, through Tonge, to Woefull Bridge, in that Liberty where it will have a Communication with the Great Road from Tamworth, in the Counties of Stafford and Warwick, to Nottingham; and also the High Road leading out of the said Road between Breedon Brand and Woefull Bridge, through Redwood Lane, and Part of Tonge Liberty, and through Gelscoe Lane to Diseworth Field; and also the High Road from the North End of Hoo-ash-Lane aforesaid, both through Old Lane, and from Swannington aforesaid, to Lee Gutter, Preamble.

and from thence over the Liberty of Staunton Harrold in the said County of Leicester, to Melbourn Common in the County of Derby, and also the High Road from Ibstock aforesaid, through Heather and Swepstone, in the said County of Leicester, to Measham in the said County of Derby, are in a ruinous Condition, and, in several Parts, narrow and incommodious, and the same cannot be effectually repaired, widened, and rendered commodious, by the present Methods provided by Law: And whereas there are several very large Collieries and Lime Works near the said Roads, and if the said Roads were repaired, the Persons residing upon or near the same would be thereby supplied with Coals and Lime at all Times of the Year, and at a reasonable Price, which will be very advantageous to them and the County adjacent: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees Names.

Sir John Astley Baronet, Thomas Abney, William Abney, Shukbrugh Ashby, Esquires; Thomas Allin, Robert Atkins, Samuel Ashby Clerk, William Appleby, Daniel Alcock, Thomas Henry Amherst Clerk, Thomas Arediſh, Christopher Ashley, Sir George Beaumont, Sir Robert Burdett, Baronets; Richard Bentley D. D. Philip Bracebridge D. D. Thomas Babington, Richard Bakewell, Robert Bakewell, Philip Harley Bainbrigge, Charles Skrymsher Boothby, Thomas Boothby the elder, Thomas Boothby the younger, Samuel Bracebridge, John Cave Brown, William Burleton, George Byrd, Esquires; Thomas Billio, James Burslem, Clerks; Henry Bakewell, Richard Bloxham, Joseph Boultbee, John Buckley, William Burslem, Gentlemen; William Bacon, Henry Bryerley, Thomas Brown, Thomas Brown the younger, Michael Billings, Joshua Biddle, Bentskin, Thomas Benskyn, Samuel Brentnell, Joshua Biddle, John Brown Clerk, Henry Bickley, Nathanael Berrington, Joseph Bunney, John Burgess, John Bass, William Bentley, Timothy Bentley, William Buckley, William Bass, Henry Bakewell, Philip Barnes Esquire, John Brown, William Brown, Joseph Barrett, John Bindley, Samuel Beardsley Esquire, Edward Ball, Gilbert Bradgate, Gilbert Burton, Francis Burgess, Michael Baxter, Robert Baxter, William Binley, Gentlemen; Sir Thomas Cave Baronet, Richard Cheslyn Esquire, Peter Cooper Clerk, Richard Chiswell, William Clare, John Clare, Nathanael Curzon, Gentlemen; Norris Cradock Esquire, Thomas Cooper, Nicholas Charnell Esquire, John Chiswell, Thomas

Carter, Joseph Craddock, Isaac Carter, William Cooper, Thomas Chamberlain, Joseph Clay, John Capenhurst, John Cotton, Benjamin Croshaw senior, Benjamin Croshaw junior, Joseph Croshaw, Simon Collins Clerk, Samuel Crosland, Clare, Thomas Clare, John Churchill, John Churchill junior, Burton Crumpton Clerk, Sir Wolstan Dixie, Sir John Danvers, Baronets; Wolstan Dixie Esquire, Edward Darell Clerk, John Deacon Gentleman, Willoughby Dixie Esquire, Thomas Dodge, Fowler Dodge Clerk, Michael Downes, John Dawson junior, Thomas Dickin, John Darker Esquire, John Dawson Clerk, John Dalby Clerk, William Ebrall, Henry Evans, Allen England senior, Joseph England, John England, Allen England junior, Leonard Fosbrook, Edward Farnham, Esquires; Charles Franke Clerk, John Foster Gentleman, John French, William Fox, Thomas Farmer, John Fenton, William Ford, John Farmer, John Fowler, Edward Farmer, William Fowler, Philip Farmer, the Right Honourable Harry Grey Esquire, commonly called Lord Grey, the Honourable John Grey, the Honourable Booth Grey, the Honourable John Grey junior, Jonathan Grundy, Joshua Grundy, Esquires; Thomas Gresly Clerk, William Gardner, Green of Ashby de la Zouch, Edward Gee, Robert Green, Thomas Gee Esquire, Richard Garle Esquire, James Goode, Samuel Gamble, George Gossip, Francis Garrett Clerk, George Grundy, Thomas Grace Esquire, Sir William Halford, Sir Henry Harper, Sir Arthur Hesilrige, Baronets; Edward William Hartopp, Wiliam Herrick, Christopher Horton, Esquires; Joseph Hooley Clerk, Gabriel Holland, Stanhope Hunter, Charles Hurst, William Hurst, Thomas Hurst, Jonathan Hurst, George Hurst, Thomas Hunt senior, Thomas Harrison, Arthur Hesilrige, Thomas Hunt, John Hunt, Isaac Hawkins Esquire, William Hawkins Esquire, Abraham Hoskins, John Hepworth Clerk, John Harvey, John Handley, John Henshaw, William Hill, John Hartill, John Hill, John Hill, John Harcourt, William Harcourt, Fleetwood Hinton, Joseph Harper Esquire, William Hall, John Hall, Charles Jennens Esquire, Theodore William Inge Esquire, William Inge Clerk, Joseph Iliffe Gentleman, Thomas Iliffe, Philip Jervis Esquire, Henry James, John Jurance, Anthony Keck Esquire, William King, Charles Lewis Esquire, John Lewin, John Lewin junior, Jervis Littlefear, Christopher Ley, William Ley, Robert Lea, Nicholas Loe, Richard Lane, Edward Lythall, Samuel Lythall, the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable William Manners, commonly

monly called Lord William Manners; the Right Honourable George Manners, commonly called Lord George Manners; Thomas Morris D. D. Edward Wortley Mountague, Wrightson Mundy, Charles Mundy, Francis Noel, Clarke Mundy, Francis Mundy, Esquires; Hans Wintrop Mortimer Esquire, Hugo Meynell Esquire, William Morres, William Musgrove, the Reverend Thomas Mores D. D. Thomas Moore Clerk, the Honourable Thomas Noel, the Honourable William Noel One of the Justices of the Common Pleas, Clobery Noel Clerk, Joseph Nutt, John Newbold, Thomas Noble Clerk, John Oldersham Gentleman, William Orme, James Oldershaw, Robert Oneley, Sir Thomas Palmer Baronet, Charles James Packe, John Palmer, Samuel Phillips, William Pochin, George Pochin, Esquires; Nathaniel Pegge Clerk, Joseph Pagett, Thomas Pagett, John Piddock, Charles Pestell, Gentlemen; Thomas Pares junior, William Pycroft, William Painter, Robert Palmer, William Pratt, John Presbury, Samuel Pipe Clerk, Samuel Prinsep, Edward Plaisted, Thomas Pougher, Power, William Ruding Esquire, Thomas Richards Esquire, John Robinson, Rogers Ruding Esquire, John Roby, Nicholas Roby, the Right Honourable Robert Sutton, commonly called Lord Robert Sutton; Edward Smith, James Shuttleworth, Charles Boothby Skrymsher, Francis Stratford, Esquires; John Stephenson, William Sanson, Thomas Sansum, John Slade Clerk, John Simpson Clerk, John Skitt, John Simpson, William Simpson, John Smalley, Ellis Shipley, William Statham, Joseph Shirley, Samuel Sheichley, John Smith of Linton, William Sherrett, Francis Spencer, Hugh Standley, Richard Sharpe, Samuel Stratton, John Smith of Oyerseel, Thomas Stretton, John Stevenson, Swinfen, Edward Taylor Esquire, Thomas Tilecoat Gentleman, John Taylor L L. D. Thomas Towndrow, Henry Towndrow D. D. Joseph Terry of Burton, Thomas Thornwell, William Toplis, Edward Taylor Esquire, Thomas Underwood, John Vaughton, John Underwood, James Wigley Esquire, James Winstanley, William Wollaston, George Wrighte, William Wrighte, Nathan Wrighte, Esquires; David Wells, William Whalley, Wright of Heather, Gentlemen; Stanford Wolferstan Esquire, Edward Wolferstan senior, Edward Wolferstan Esquire, John Willington of Tamworth, John Willington of Newton, William Watson, Joseph Warden, John Warner, John Willows, Thomas Wightman, Clement Winstanley Esquire, Benjamin Weston, William Wilders, William Wyatt, William Wyatt junior, Thomas Wright, William Wilkes, William Wilkes junior, Joseph Wilkes,

Wilkes, Joseph Wilkes junior, John Wilkes, John Watterson, John Woodcock, Francis Woodcock, Joseph Wilday, Francis Wheeler Esquire, William Watermah, Joseph Wilkinson, William Doddington Whalley, William Watson, Richard Warner, John Wilkins, Jonathan Wilkins, Edward Roe Yeo Esquire, shall be, and they and their Successors to be appointed in Manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Forty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Eighty Pounds; or possessed of, or entitled 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 incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting, if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Noble Reeves, known by the Sign of the Eagle and Child in Hinckley, on Tuesday Three Weeks after the Day of the passing of this Act, and shall proceed to the Execution of this Act; and shall then adjourn themselves, from time to time, to the Place aforesaid, or to any other Place or Places near the said Roads, as the said Trustees, or any Five or more of them, shall think proper for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held,

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

on that Day Month next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Proviso.

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

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

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

Trustees in Commission of the Peace may act as Justices.

And be it further enacted, That a Trustee or Trustees nominated or 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 a Trustee or Trustees.

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

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

Notice to be given of such Election.

Trustees may erect Turnpikes and Toll-houses;

and take the following Tolls thereat.

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

The Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing any Carriage, Four Pence.

For every Pair of Mill-stones, Two Shillings and Six Pence.

For every Horse, Mare, Gelding, or other Beast, laden or unladen, and not drawing, Three Halfpence.

For every Ox, Cow, or other Neat Cattle, not drawing, One Halfpenny.

And for every Calf, Hog, Sheep, or Lamb, One Farthing.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll; and the Money so to be raised is hereby vested in the said Trustees, and shall be disposed of, or assigned to and for the Purposes, and in such Manner, as is herein after mentioned; and it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby made payable; and if any Person or Persons subject to the Payment of the said Tolls, or any Part thereof, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or Goods, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days after such Seizure and Distress made and taken, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges, shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That if there shall be Two or more Gates or Turnpikes erected between the Town of Hinckley, and the several Collieries and Lime Kilns or Lime Works, or any of them, in, or near the said Roads, or between Melbourn Common and the said Collieries and Lime Kilns, or Lime Works, or any of them, or between Woeful Bridge and the said Collieries and Lime Kilns, or Lime Works, or any of them, or between Diceworth Field and the said Collieries and Lime Kilns, or Lime Works, or any of them, no Person having paid the Toll for any Cattle or Carriage passing through One of the said Gates or Turnpikes between the respective Places aforesaid, shall be liable, the same Day, to pay any Toll at any other Gate or Turnpike erected between the respective Places aforesaid, such Person producing a Note or Ticket denoting such Payment, which Note or

If there shall be Two or more Gates erected between the Places here mentioned, Persons having paid Toll at One Gate to pass free through the rest.

Trustees may erect Side-gates,

Ticket the Collector of the Tolls is hereby required to give gratis.

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

and take Tolls thereat,

so as the same extend not to a Double Charge.

No Gate to be erected within a Mile of *Measham*;

Provided always, and be it enacted, That no Gate or Turnpike shall be erected or set up by virtue of this Act within the Distance of One Mile of the Town of Measham aforesaid; any Thing contained in this Act to the contrary notwithstanding.

nor on the Road leading from *Sutton* to *Ireland Lane*;

Provided always, and be it enacted, That no Gate or Turnpike shall be erected in pursuance of this Act upon any Part or Parts of the Road which leads from Sutton to Ireland Lane; any Thing in this Act to the contrary notwithstanding.

nor within 50 Yards of any other Turnpike Road.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected by virtue of this Act within Fifty Yards of any other Turnpike Road.

No Turnpike to be removed, but by Order of the Trustees.

And be it further enacted, That no Gate, Turnpike, or Toll-house, erected by virtue of this Act, shall be taken down, and removed to any other Place, except by Order of the said Trustees, or any Seven or more of them.

Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted, That the said Gates or Turnpikes, and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name of their Treasurer or Clerk; or to prefer, and order and direct the preferring of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Roads.

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

Provided always, and be it further enacted by the Authority aforesaid, That an equal Sum of Money shall be annually expended in the repairing of that Part of the Road which lies between Ibstock and Measham, as shall be annually expended in the repairing of that Part of the Road which lies between Ibstock and Swannington; any Thing contained in this Act to the contrary notwithstanding. Like Sum to be expended annually in repairing the Road between *Ibstock* and *Measham*, as between *Ibstock* and *Swannington*.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted, for such Time as the said Trustees, or any Seven 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. Trustees, with Consent of the Creditors, may lessen the Tolls.

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

Provided always, That no Person who shall have paid the Toll hereby granted for the passing of any Waggon, Cart, or Carriage, through any Gate or Turnpike erected by virtue of this Act, going to any Coal Work, or Lime Kiln or Lime Work, unladen, or laden only with necessary Fodder and Provisions for the Horses or other Beasts drawing the same, shall be liable to pay any Toll for such Waggon, Cart, or Carriage, returning empty, or loaded with Particular Exceptions.

with Coals or Lime only, notwithstanding such returning shall not be within the Space of Twenty four Hours from the Time of such Payment; such Person producing a Note or Ticket denoting such Payment; which Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Trustees may lease, &c. the Tolls,

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Countinuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease, to any Person or Persons by the Year, or for any less Term, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sums of Money shall be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it enacted, That no Person shall be charged with any of the Tolls aforesaid, who shall pass through any of the Gates or Turnpikes to be erected by this Act, with any Carriage or Carriages loaded with Stones, Brick, Wood, Gravel, or other Materials, for repairing the said Roads, or any of the Roads in the Parishes and Places in which the same Materials do lie, or in any of the neighbouring Parishes or Places, or for carrying through the said Gates or Turnpikes, any Dung, Mould, or Compost, unmixed with Lime, for manuring of Gardens or Land within the several Parishes or Places where any such Dung, Mould, or Compost, unmixed with Lime, shall be made, found, or got; nor shall any Person or Persons be chargeable with the said Tolls, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants, Tenants, or Occupiers of Land, within the several Parishes, Liberties, and Places through or near which the said Roads do or shall lie, the said Hay and Corn being the Product of such Land; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, in the said several Parishes or Places through which the said Roads do or shall lie; nor 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 Leicester or Derby; nor shall any

Toll

Toll be demanded or taken at any of the said Gates or Turnpikes upon Sunday, from any Person or Persons residing in any Parishes or Places in which any Gate or Turnpike shall be erected by virtue of this Act, or passing through such Gate or Turnpike, in his, her, or their Way, to or from the Parish Church, Chapel, or other Place of Religious Worship, which he, she, or they, usually attended; nor from any Person or Persons when attending the Funeral of any Person or Persons who shall die or be buried in any such Parish, or for any Coach or Hearse attending such Funeral; nor shall any Toll be demanded or taken at any of such Gates or Turnpikes, for any Horse or Cattle, kept or depastured in any Fields, Grounds, or Closes, in any of the Parishes or Places through or near which the said Roads shall lie, for or upon going to or returning from Pasture, or to or from Water, or to be or from being shoed, farried, or cured of any Lameness, Illness, or Distemper; nor for any Post Horse carrying the Mail or publick Packet; nor shall any Toll be demanded or taken from the Horses of Soldiers that are upon their March, or for Carts, Carriages, or Waggons, attending them, or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes: 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, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to repairing the said Roads. Penalty on making illegal Claims.

And be it further enacted, That if any Person or Persons whomsoever, owning or occupying any Land near to any Gate or Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle or Carriage; or if any Person or Persons shall, with any Cattle or Carriage, pass through any such Gate, Passage, or private Way; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Cattle or Carriage; or if the Owner or Driver of any Carriage or Beast of Burthen shall unload, or cause to be unloaded, such Carriage or Beast of Burthen, either in the Whole or in Part, on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person or Persons shall give to, or receive from, any Person or Persons, any Note or Ticket, Penalty on Persons going thro' or permitting private Passage, or taking off Horses, or giving or receiving Tickets,

Ticket, by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person or Persons shall forcibly pass through any such Gate or Turnpike, with any Cattle or Carriage, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, to borrow upon the Credit of the Tolls hereby made payable, at the Gates and Turnpikes to be erected upon, across, and on the Sides of the said Roads, and the said Gates, Turnpikes, and Toll-houses respectively, such Sum and 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 they are hereby impowered, by any Writing or Writings under their Hands and Seals, to assign or mortgage the said Tolls, or any Part or Parts thereof, and the said Gates, Turnpikes, and Toll-houses, or any of them, for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, with Interest, and shall pay the Costs and Charges of such Assignment or Mortgage, Assignments or Mortgages, out of the Tolls collected upon the said Roads.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons; provided all such Assignments or Transfers shall be produced or notified to the Clerk or Treasurer for the time being to the said Trustees, within Forty Days after the Date thereof, who shall cause an Entry thereof to be made in a Book or Books to be kept for that Purpose, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred; for which Entry such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee

Entries to be made of all Assignments.

Clerk's Fee.

or Reward by any Person or Persons whomsoever; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign, or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies thereon due.

All Creditors to be deemed equal in Degree.

And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, Gates, Turnpikes, and Toll-houses, or any Part thereof, in respect to the Priority of advancing such Sum or Sums, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, Gates, Turnpikes, and Toll-houses, in equal Degree one with another.

Trustees to appoint Officers,

and remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and such Officers and other Persons, or any or either of them, from time to time, to remove, and to appoint others in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons for their Services as to the said Trustees, or any Five or more of them, shall seem reasonable.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted, That all and every such Officers, and other Persons, shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer, or other Person, shall not make and render, or shall refuse to verify, upon Oath, any such Account, or to make such Payment

Officers refusing to account,

Justices to inquire into the Default,

as aforesaid; then any One or more Justice or Justices of the Peace for the County wherein such Offender shall dwell, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer, or other Person, shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same: Which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and commit the Offender,

until he shall conform, or compound for the same.

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

And be it enacted, That if 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 One or more Justice or Justices of the Peace for the County or Place where such Clerk or Clerks shall reside, upon Proof thereof made upon Oath, which Oath such Justice or Justices is and are hereby impowered to administer, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Clerk or Clerks to the Common Gaol of such County or Place, 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.

Treasurers to give Security.

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

as

as to the said Trustees, or any Five or more of them, shall seem meet.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Person or Persons as shall be appointed Surveyor or Surveyors by virtue of, and in pursuance of, this Act, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Gorse, Furze, Ling, Heath, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Town, Village, or Hamlet, in, adjoining to, or near, the several Roads by this Act intended to be repaired; and for want of sufficient Gravel, Gorse, Furze, Ling, Heath, Sand, Stones, or other Materials, in such Place or Places, then to dig, gather, take, and carry away the same, out of the Waste or Common, River or Brook, of or in any neighbouring Parish, Town, Village, or Hamlet, without paying any Thing for the same; such Surveyor or Surveyors filling up and levelling, or fencing, or causing to be filled up and levelled, or fenced, such Holes and Pits where any such Materials as aforesaid shall be dug, gathered, or taken, and from whence the same shall be carried away, so as the same be not left to be dangerous to Passengers or Cattle; and where there is not sufficient of such Materials in any Common or Waste Grounds, Rivers, or Brooks, in, or near adjoining to, the said respective Roads, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and search for the same in the several Grounds of any Person or Persons (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, Planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Plantation or Nursery for Trees) where any such Materials are or are likely to be found, and, from time to time, where any such Materials shall be found, to gather and take away the same, or so much thereof as the said Turnpike Surveyor or Surveyors shall adjudge proper and necessary for repairing and amending the said Roads; paying, or tendering such Rates for such Materials, and a reasonable Satisfaction for the Damage done to the Owners and Occupiers respectively of the Surveyors may take Gravel, &c. from Waste Grounds, &c. 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.

Ground where the same shall be dug and searched for, and also from whence the same shall be gathered and carried away, or over which the same shall be carried, as the Trustees appointed or to be appointed as aforesaid to put this Act in Execution, or any Seven or more of them, shall judge reasonable: And in case any Difference shall arise between such respective Owner or Owners, or Occupiers, and the said Trustees, touching the Damages aforesaid, the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden in the County where such Materials shall be digged or gathered, and from whence the same shall be carried away, shall and may hear, adjudge, assess, and finally determine the same.

Justices to determine Differences.

Surveyors may make Causeways,

And be it further enacted, That the said Surveyor or Surveyors, or any other Person or Persons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered, to make, or cause to be made, any Causeways in, or along the Sides of, any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridges upon, in, or across, the said Roads, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or cross, 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 shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

erect Bridges, &c.

making Satisfaction to the Owners.

Surveyors may make a temporary Road, whilst the old Road is repairing;

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed in pursuance of this Act, by Order of the said Trustees, or any Seven 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 respectively (not being the Ground whereon any House or Houses stand, or Garden, Orchard, Yard, Court, Park or Paddock, planted Walk or Avenue to any House, or Parcel of Ground 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 public 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; and also to cause Ditches or Fences to be made in such Places, and in such Manner, as such Surveyor or

Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge necessary, for the better amending and keeping the said Roads in good Repair; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through, over, or along which, any such temporary Road or Roads shall be made, or in which such Drain or Drains shall be cut, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be assessed and adjudged by the said Trustees, or any Seven or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching any such Damages as aforesaid; then it shall and may be lawful to and for the Justices of the Peace at the next General Quarter Session to be holden for the County wherein the Matter in Dispute shall lie, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of the Ground,

Justices to determine Differences relating thereto.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, 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 Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid: And in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful 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 such Offence shall be committed, from time to time to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed to the Surveyors,

to be levied by Distress and Sale.

Penalty on a Second Offence.

Trustees,

Trustees, or any Five or more of them, the Sum of Forty Shillings.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into, or out of, any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given, to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors, may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, 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 Non-payment 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 a Warrant or Warrants under the Hand and Seal of such Justice, be raised and 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, and levy the Charge.

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

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority 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, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed

on

on the Credit thereof to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one 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 Five or more of them,

the Damage and Recompence to be settled by a Jury.

shall cause it to be enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own, as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

by, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn, and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

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

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly, by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and make Part of, the said Roads, and shall to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said 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, and turned, was and ought to have been kept in Repair: And after such new Road shall be compleated, the Lands and Grounds comprized in, or constituting the old or former Road, shall be, and they are hereby vested in the said Trustees, and shall and may be sold by them, or any Seven or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof: And the Money arising by such Sale, shall be applied and disposed of for the repairing 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, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands when purchased to be deemed a publick High way,

and kept in Repair as such.

Old Road may be sold

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

Provided always, and be it enacted, 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 or Proprietor thereof shall consent thereto.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on

any

any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing, and keeping in Repair, the same Parts of the same Roads, in the same Manner as they, or every of them, hath or have heretofore usually done, or ought to do: And that if it shall appear to the said Trustees, or any Seven or more of them, that any Lands, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, are given or settled for, or are liable or chargeable towards, the repairing of any Part of the said Roads intended to be repaired by virtue of this Act, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and the said Trustees, or any Seven of them, may demand, and if not paid on Demand, sue by Bill or Information for the Recovery thereof; and the Possessors and Occupiers, of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits, to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the same; which Rents and Profits when received or recovered, shall be applied from time to time for repairing the said Roads, and to no other Use or Purpose whatsoever; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are, or shall be, obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work, not exceeding Three 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 Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets,

Inhabitants to do Statute-work.

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

and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Surveyors to deliver in Lists of Persons liable 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, That the Surveyors of the Highways, of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required at the First Meeting of the said Trustees, after the Twenty fifth Day of March in every Year, or oftner, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways; and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors Neglect;

And be it further enacted, 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, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And

and on Persons not performing Statute-work.

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

each

each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work, the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart to work on the said Roads, for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they shall be subject and liable to the respective Forfeitures, as if he, she, or they had neglected or refused to do or perform the said respective Days Work.

Persons found idle to be turned off.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to compound 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 lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money by the Year, or for any less Term, as they the said Trustees, or any Seven or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

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

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

Surveyors may appeal to the Justices to proportion Statute-work.

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

Roads to be measured, and Mile-stones erected.

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

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 levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed; which Warrants the said

Justice or Justices is and are hereby impowered and required to grant upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said 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; 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 Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Two Months.

Persons aggrieved may appeal to the General Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of such Complaint shall arise, within Four Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Two Days after such Notice enter into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Trustees shall think proper, and by their Warrants to levy such Costs; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

10 Days Notice of Appeal to be given.

Security to be given to prosecute.

Proceedings not to be quash'd for want of Form only; nor removable by *Certiorari*.

And be it further enacted, That no Conviction or other Proceeding in or relating to the Execution of this Act, shall be quashed or vacated for want of Form only; or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Trustees may contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered to contract with any Person or Persons for repairing, widening, or altering, the said Roads, or any Part thereof, and for erecting Mile-stones or Posts thereon, in such Manner, and for such Sum and Sums of Money, as the said Trustees, or any Seven or more of them, shall think proper; and that all Contracts in Writing that shall be entered into pursuant to any Order made at any Meeting by the said Trustees, or any Seven or more of them, shall be binding upon all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered, against the Parties failing in the Performance thereof; and that the Sum or Sums of Money stipulated to be paid by such Contractor or Contractors, shall be the Measure of the Damages to be recovered against such Contractor making Default in fulfilling his Contract; any Law or Usage to the contrary notwithstanding.

All Contracts made by the Trustees, &c. deemed valid, &c.

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 where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers ab initio, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

Writings to be without Stamps.

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

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

Provided also, That all Orders and Proceedings of the Trustees, or any Five or more of them, shall be entered

ed into a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Five or more of the Trustees assembled, as the Case shall require; and such Orders and Proceedings shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

and signed by the Clerk.

Books may be read in Evidence.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present and consenting thereto.

No Order to be repealed, unless Seven Trustees are present.

And be it further enacted, That this Act shall commence and have Continuance from the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And that no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact complained of committed; and every Action or Suit that shall be commenced for any Thing done in pursuance of this Act, shall be laid or brought in the County where the Cause thereof shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance, and by the Authority, of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before the End of Twenty one Days after Notice thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such

Commencement and Continuance of this Act.

Limitation of Actions.

General Issue.

Treble Costs.

such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.
