Anno decimo

# Georgii III. Regis.

An Act to continue the Term, and alter and enlarge the Powers, of Three Acts for repairing the Highways through the ſeveral Pariſhes of *Saint Michael*, *Saint Alban*, *Saint Peter*, *Shenley Ridge*, and *South Mims*, in the Counties of *Hertford* and *Middleſex*.

WHEREAS by Three Acts, paſſed in the Firſt Year of the Reign of His Majeſty King George the Firſt, and the Eighth and Twenty-fourth Years of the Reign of His late Majeſty, ſeveral Tolls or Duties and Powers were granted and given to Truſtees therein and thereby appointed, for repairing the Highways through the ſeveral Pariſhes of Saint Michael, Saint Alban, Saint Peter, Shenley Ridge, and South Mims, in the Counties of Hertford and Middleſex: And whereas the Truſtees appointed by the ſaid Acts have made a conſiderable Progreſs in the repairing the ſaid Highways, and have borrowed a conſiderable Sum of Money upon the Credit of the Tolls or Duties thereby granted; but find the ſaid Highways cannot be effectually repaired and widened for the Accommodation of Paſſengers, nor the ſaid Money

Preamble, reciting Acts 1 *Geo.* I. and 8 and 24 *Geo.* II.

borrowed be repaid, unless the Term granted by the said Acts be further continued, and some further Provisions made for those Purposes: But, as the same cannot be effected without the Aid of Parliament, May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term granted and continued by the said recited Acts shall be, and the same is hereby further continued from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and, instead of the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things, in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things, in this Act contained, shall, for the Purpose of repairing, widening, and keeping in Repair, the said Highways, take place, and shall commence from the First Day of June next after the Day of the passing of this Act; and shall continue in Force until the Expiration of the said further Term of Twenty-one Years, and to the End of the then next Sessions of Parliament.

Term granted by the recited Acts further continued for 21 Years.

Commencement and Continuance of this Act.

Trustees.

And be it further enacted, That the Mayor, Aldermen, Recorder, and Town Clerk of the Borough of Saint Albans for the Time being, John Askell Bucknall, George Byng, Thomas Brand, Edward Barker, John Bennett, John Botelor, Jasper Aris Borradale, the Reverend John Boys, Robert Baskerfield, Thomas Benniworth, George Carpenter, Nathaniel Cotton M. D. John Crawley, Richard Capper, John Reynardson Cappin, the Reverend Nathaniel Cotton Clerk, Minor Colley, Charles De Laet, Sandilands Drinkwater, Charles Domville, John Domville, Samuel Drinkwater, Edmund Dorrell, Humphry Edwin, Samuel Elliott, Lord Viscount Grimstone, the Honourable James Bucknall Grimstone, the Honourable William Grimstone, the Honourable Harbottle Grimstone, the Honourable George Grimstone, the Honourable Harry Grimstone, Thomas Gape, Joseph Gape, William Gape, Thomas Groome, the Reverend Samuel Grove, Thomas Goldsmith, Jacob Houblon, Richard Hassell, Robert Hucks, Thomas Halsey, Joseph Handley M. D. Benjamin Hanbury, William Hawson, Humphry Hulme, the Honourable General Keppell, Thomas Kinder, Thomas Kinder junior, Thomas Kentish of Tenements, Robert Kentish, John Kentish, Caleb

Lomax, John Lamb, George Maſon, John Maſon, Jonathan Cox Lovett, John Langford, Joſeph Law, Thomas Herbert Noyes, Thomas Nuthall, Francis Carter Niccoll, the Reverend Peter Newcome, Zachariah Neale, Zachariah Neale the younger, John Oſborn, the Reverend Henry Oſman, Thomas Parker, William Plumer, Richard Pearce, George Pembroke, Newdigate Poyntz, the Reverend Benjamin Preedy, the Reverend Preſton of Midge, Joſeph Pembroke, William Pembroke, Walter Parks, Thomas Parks, John Radcliffe, Francis Reynolds, Jenkyn Reading, John Richardſon, Charles Roſs of Dancers Hill, Sir John Sebright Baronet, Richard Sutton, John Searanche, William Snell, John Southcote, John Skey, Thomas Shield, Henry Tombes Smith, Richard Smith, Harvey Stone, John Souter, Ralph Smith, Henry Sibley, Iſaac Houſe, Merry Taſhmaker, Thomas Taſh of Shenley, Edward Vincent, Frederick Vander Meulen, James Weſt, John Walthoe, Nicholas Weſtcomb, Henry Fotherley Whitfeld, Whitfeld of Watford, the Reverend Edward Woodcock, Whipham, James Wallis, James Wallis the younger, Whitbread of Saint Albans Surgeon, the Honourable John Yorke, the Honourable and Reverend James Yorke Dean of Lincoln, and their Succeſſors, to be appointed in Manner herein after mentioned, together with the Truſtees appointed in and by virtue of an Act paſſed in the Third Year of the Reign of his preſent Majeſty, intituled, An Act to continue and render more effectual Two Acts of Parliament for repairing and widening the Road leading from the *Black Bull Inn* in *Dunſtable*, in the County of *Bedford*, to the Way turning out of the ſaid Road up to *Stafford Houſe*, in the County of *Hertford*, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution. Act 3 *Geo.* III.

And be it further enacted, That as often as any One of the ſaid Truſtees ſhall die, remove, or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, under their Hands and Seals, to appoint any Perſon living within the Counties of Hertford or Middleſex, a Truſtee in the Room of the Truſtees ſo dying, removing, or refuſing to act; Notice of the Time and Place of Meeting for every ſuch Appointment having been fixed on all the Turnpike-gates erected by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and the Perſon ſo appointed ſhall and may act in the Execution of this Act as fully as any Truſtee hereby appointed is impowered to act. On Death, &c. of Truſtees, others to be choſen. Notice of Meeting to be given.

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 One hundred Pounds; or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of Two hundred Pounds; or poſſeſſed of a Perſonal Eſtate alone to the Amount or Value of One thouſand five hundred 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.

First Meeting of Truſtees.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe known by the Name or Sign of The Bull Inn in Saint Albans, within Ten Days next 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 ſuch Times and Places as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution: And if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to any other Time and Place, then the Clerk to the Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held; and ſhall cauſe Notice thereof to be affixed on all the Toll-gates 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: Provided always, that Three Truſtees ſhall be ſufficient for the Purpoſe of Adjournment.

For want of ſufficient Truſtees to act, Clerk to adjourn the Meeting.

Truſtees to defray their own Expences.

3 Truſtees ſufficient for Adjournment.

And

And be it further enacted, That in case any of the said Trustees shall think it necessary that a Meeting of the Trustees should be held at any Time between the said Times of Adjournment, it shall and may be lawful for the said Trustees, or any Nine or more of them, by Writing under their Hands, to appoint a Meeting of the said Trustees; Notice of the Time and Place of such Meeting being affixed on all the Turnpikes which shall be then erected by virtue of this Act, at least Ten Days before every such Meeting; and the Proceedings of the Trustees at all such Meetings shall be as valid and effectual, to all Intents and Purposes, as if the said Trustees had, at their last Meeting, adjourned to the said Time and Place. Power to call intermediate Meetings.

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. No Trustee to accept a Place of Profit.

And be it further enacted, That a Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is and are hereby authorised 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. Trustees may act as Justices.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may continue or remove the Toll-gate and Toll-house now erected upon the said Highways, and may cause to be erected any other Toll-gate and Toll-house, Toll-gates and Toll-houses, in, upon, or across any Part or Parts of the said Highways; and, instead of the Tolls or Duties granted by the said recited Acts, to cause to be demanded and taken the following Tolls or Duties before any Cattle or Carriage shall be permitted to pass through the same; that is to say, Trustees may continue, remove, or erect Turnpikes and Toll-houses, and take the Tolls thereat.

For every Coach, Berlin, Landau, Chariot, Chaise, Post Chaise, Calash, Chair, Caravan, or Hearse, drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling. Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Post Chaise, Calash, Chair, Caravan, or Hearse, drawn by Two or Three Horses, Mares, Geldings, or Mules, Sixpence.

For every Calash, Chaise, Post Chaise, or Chair, drawn by One Horse, Three-pence.

For

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horses or Oxen, One Shilling; and drawn by Three or Four Horses or Oxen, Sixpence; and drawn by less than Three Horses or Oxen, Threepence.

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

For every Drove of Oxen or Neat Cattle, Five-pence per Score, and so in proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Two-pence Halfpenny per Score, and so in proportion for any greater or less Number.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll; and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast upon which such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods so seized and distrained; returning the Overplus, if any, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress.

Distress may be sold after 3 Days.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to cause to be erected One or more Toll-gate or Toll-gates, and Toll-house or Toll-houses; on the Side or Sides of the said Highways, and upon, in, or across any Lane or Way leading into the same, and there to cause to be taken and levied such Tolls as are by this Act made payable at any other Toll-gate or Toll-gates erected by virtue hereof; so as the same do not extend to a Double Charge upon any Person passing through any other Toll-gate or Toll-gates erected by virtue of this Act.

Trustees may erect Side-gates,

and take Tolls at such Gates.

And

And, for preventing Persons driving Cattle through Bye-ways to avoid the Payment of the Tolls hereby granted, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to cause to be erected One or more Toll-gate or Toll-gates, and Toll-house or Toll-houses, in, upon, or across any Part or Parts of the said Highways, and upon, in, or across any Lane or Way leading into the same; and there to cause to be taken and levied such Tolls as are by this Act made payable at any other Toll-gate or Toll-gates erected by virtue hereof, for the passing of Droves of Oxen, Cows, or Neat Cattle, Calves, Hogs, Sheep, or Lambs only; so as the same do not extend to a Double Charge upon any Person for passing the same Day through any other Toll-gate or Toll gates erected by virtue of this Act. For preventing Persons driving Cattle through Bye-ways. Proviso.

And be it further enacted, That the said Toll-gates 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 Highways, shall be and they 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 Toll-gate 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 repairing of the said Roads. Property of Turnpikes, &c. vested in the Trustees.

And be it further enacted and declared, That the Tolls or Duties by this Act granted shall be subject and liable to the Payment of all Sums of Money owing upon the Credit of the said recited Acts, and the Interest due and to grow due on the same. Tolls subject to Payment of former Debts.

And be it further enacted, That out of the Tolls collected by virtue of the said recited Acts, and also out of the Tolls to be collected by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Costs and Expences of procuring and passing of this Act; and shall apply the Remainder of the Money so raised, after paying the Interest of all Sums of Money owing upon the Credit of the said recited Acts, and also the Allowances to be made to the Clerk, Treasurer, and the several Collectors of Application of the Money.

the Tolls, in repairing, widening, and keeping in Repair the said Highways, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Toll-gate continued or 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 Toll-gate and all other Toll-gates continued or erected by virtue of this Act, with the same Cattle or Beast, 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, upon the Payment of such Toll.

Exemptions from Tolls.

And be it further enacted, That no Toll or Duty shall be demanded or taken at any Toll-gate continued or erected by virtue of this Act, for the passing of any Cattle drawing any Carriage laden with Materials for repairing any Highway or Road; or Dung, Mould, or Compost, of any Nature or Kind whatsoever, for manuring of Gardens or Land within the same Parish, or any of the neighbouring Parishes in the County of Hertford; Hay or Corn in the Straw, to be laid up in the Houses of the respective Inhabitants of the several Parishes through which the said Highways or Roads hereby intended to be repaired lie; or any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Things whatsoever employed in Husbandry, or for manuring or stocking of Land, in the said several Parishes in which the said Highways or Roads hereby intended to be repaired lie; nor shall any Toll or Duty be demanded or taken at any of the said Toll-gates for Cattle drawing any Coaches or Carriages with Passengers, or from Passengers on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Hertford, or Burgesses of the Borough of Saint Albans; or for any Horses or Cattle going to Water; or for any Post-horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of any Soldiers passing that are upon their March, or for Carts, Carriages, or Waggons attending them; or for Horses, Carts, or Waggons travelling with Vagrants sent by Passes.

Provided

Provided always, That if any Person shall claim and take Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Highways. Penalty on making illegal Claims.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike continued or 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 if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, 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 shall give to, or receive from, any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, 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. Penalty on permitting private Passage, &c.

And, for the more speedy repairing and widening the said Highways, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, upon the Credit of the Tolls by this Act made applicable to the repairing, widening, and keeping in Repair, the said Highways, to borrow and take up at Interest, not exceeding the Rate of Four Pounds Ten Shillings per Centum per Annum, any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby impowered to mortgage or assign over the said Tolls to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof: Which said Sums of Money, so to be borrowed, shall be laid out and applied in and for the repairing, widening, and keeping in Repair, the said Highways, and to and for no other Use or Purpose whatsoever. Trustees may borrow Money.

And be it further enacted, That all and every Person and Persons, to whom any Mortgage or Mortgages, Assignment Assignments may be transferred.

Assignment or Assignments, of the Tolls granted by the said recited Acts, or either of them, hath or have been made, or to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls hereby granted shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from Time to Time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Trustees to appoint Officers,

and allow them Salaries.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, and any or either of them, from Time to Time to remove, and 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 Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons, and all and every the Officers and other Persons who have had, received, or paid, by virtue of the said former Acts, or who shall, at any Time or Times hereafter, have, receive, or pay, any Sum or Sums of Money on account of or relating to the repairing, widening, and keeping in Repair, the said Highways, 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 the said recited Acts, or 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, such Account, or to make such Payment as aforesaid; then any One or more Justice or Justices of the Peace for the County, Liberty, or Place, where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

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 the Offences aforeſaid; ſuch Juſtice or Juſtices ſhall commit the Offender to the common Gaol of the County, Liberty, or Place where the Offence ſhall be committed; there to remain, without Bail or Mainprize, until he or they ſhall make and render a full, true, and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded and agreed with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make.

and commit the Offender,

till Payment, or Compoſition made.

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

Treaſurer to give Security.

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

No Victualler to hold any Place of Profit.

And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyors, and ſuch Perſon and Perſons as they ſhall appoint, to dig, gather, take, and carry away, any Gravel, Stone or Stones, out of any Pariſh in which the ſaid foundrous or ruinous Places of the ſaid Highway do lie; and for want of ſufficient Gravel, Sand, or Stones there, out of the Waſte or Common of any neighbouring Pariſh, Town, Village, or Hamlet, without paying any Thing for the ſame; and where there is not ſufficient of ſuch Materials in any Commons or Waſte Grounds near adjoining, to dig or gather in the ſeveral Grounds of any Perſon or Perſons, not being an Houſe, Garden, Orchard, Yard, or Meadow, planted Walk or Walks, or Avenue to a Houſe, where any Materials are or may be found; and from Time to Time to carry away ſuch and ſo much thereof as the Surveyors, in their reſpective Places, ſhall adjudge neceſſary for the repairing the ſaid Highways, without

Surveyors may dig Gravel, &c.

Materials may be taken from private Grounds,

making Satisfaction.

paying any Thing for such Materials, save only such reasonable Satisfaction to the Owner or Occupier of the Ground where the same shall be digged, gathered, and carried away, as for the Damage which he or they shall thereby sustain, to be assessed and adjudged by the Justices of the Peace at the next General Quarter Sessions to be holden in the said County or Liberty where such Materials shall be digged, gathered, or carried away, in case of Difference concerning the same.

Justices to determine Differences.

Surveyors may make Causeways, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them, or either of them, appointed or employed, may, and is and are hereby authorised and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Highways; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across the said Highways, 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 Highways, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Highways hereby intended to be repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old or ruinous Highway is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; 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.

build Bridges,

cut Watercourses,

and make a temporary Road;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall and may 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 Highways; and to cut down Trees or Bushes growing in the said Highways, 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

Owners neglecting to do the same.

Charges to be reimbursed to the Surveyors.

the

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, Liberty, or Place where the Offence shall be committed, from Time to Time to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattels, rendering the Overplus, if any be, to the Owners or Occupiers thereof upon Demand, after all Charges paid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County, Liberty, or Place where the same shall happen, shall for every such Offence forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Penalty on subsequent Offence.

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 Highways, 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 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 said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justices of the Peace of the County, Liberty, or Place where such Person or Persons respectively shall live, shall and may, by

Owners neglecting scour their Watercourses,

Surveyors may do the same,

and levy the Charges.

by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Lands, &c. may be purchased.

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

And whereas it may happen that some Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, and others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Highways; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability: Be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments,

Bodies Politick impowered to treat.

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 and 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 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.

Persons neglecting to treat, &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 Highways, 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 Premises, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place where the said Grounds or Hereditaments shall lie or be situate (which Oath 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 Highways: 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

Jury to inquire into the Damage and Recompence.

Witnesses to be summoned, and examined on Oath

sons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises (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 Information in the Premises, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, 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 whatsoever 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 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 and 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, Liberty, or Place where such Lands, Grounds, or Hereditaments shall lie or be situate, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned,

Verdict of the Jury to be final.

Trustees to offier their Warrant to the Sheriff for impannelling a Jury, &c.

summoned, and returned, for 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 Seven or more of them, acting in the Premises, 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 Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who 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 Premises, 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 Forfeitures or Penalty, herein before mentioned, is hereby directed to be levied; so 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 such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

Trustees may impose Fines on Sheriff, &c. making Default.

Fines not to exceed 10*l.*

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 Seven or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Highways; and shall to all Intents and Purposes whatsoever become and be deemed and taken to be, a publick and common Highway, and be

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

Lands purchased to be made Part of the Roads, and deemed a publick Highway.

be from thenceforth Part of the said Highways 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 Highways so widened was and ought to have been kept in Repair.

Buildings, &c. not to be injured.

And be it further enacted, That in widening any Part or Parts of the said Highways, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expences of Juries how to be borne.

And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies as a Recompence for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Persons liable to repair the Highways, 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, who before the making of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Highways 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 Highways, in the same Manner as they and every of them hath or have heretofore usually done, or ought to do: And that the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Highways 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 in such Parts of the said Highways by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Seven or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors of them authorised shall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, or shall occupy such Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged by Law, and ought to do.

Inhabitants to do Statute-work.

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

And, to the End that the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the Highways 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 First Day of January in every Year, or oftener if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes which shall be then erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands,

Surveyors to deliver in Lists of Persons liable to do Statute-work.

of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in 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 or Occupiers 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 neglecting to deliver in such Lists,

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Highways lead, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in 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 if any or either of the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in 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 Highways, 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 Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Sixpence; 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 Highways 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,

and on Persons not performing Statute-work.

Persons found idle, to be turned off.

Team, Draught, or Cart, to work on the said Highways; 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.

Trustees may compound for Statute-work.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Highways, and also with the several Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Highways 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 Highways, at and for such Sum or Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants or Occupiers 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.

Surveyors may appeal to proportion the Statute-work.

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 Highways, 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 Highways; it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter-session of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days 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 authorised 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 Highways by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Penalty on defacing Mile-stones.

And be it further enacted, That if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Mile-stones set up, or to be set up, or shall erase, obliterate, or deface any

any of the Inscriptions made or which shall be made thereon, or cause the same to be done; every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Mile-stone so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalties and Forfeitures how to be recovered.

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 Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County, Liberty, or Place wherein the Offence shall be committed; which Warrant 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 Chattels 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 Highways and other the Purposes of this Act; 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 authorised 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 Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement of any Justice or Justices of the Peace, which shall be by him or them done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given; such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Session of the Peace for the County, Liberty, or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order or Judgement, he, she,

or they causing reasonable Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said Session, upon due Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be removed by *Certiorari*.

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

Distress not to be deemed unlawful for want of Form;

nor Parties making the same deemed Trespassers *ab initio*, for subsequent Irregularity.

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

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

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

Proceedings to be entered in a Book.

Writings to be without Stamps.

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

No Order repealed, unless the Trustees present exceed the Number who made it.

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

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done 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, Liberty, or Place, where such Matters or Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may

General Issue.

plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing, for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County, Liberty, or Place, than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defend-

ant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Non-suit, 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 the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law. Treble Costs.

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

FINIS.