Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Upton*, in the Pariſh of *Ratley*, to the North End of *Bridge Street*, in the Town of *Great Kington*; and from thence to the Guide Poſt at the Town of *Welleſbourne Haſtings*, in the County of *Warwick*.



WHEREAS the Road leading from Upton, in the Pariſh of Ratley, in the County of Warwick, through the ſeveral Pariſhes of Ratley aforeſaid, Radway, and Great Kington, in the ſaid County, to the North End of a certain Street in the Town of Great Kington aforeſaid, called Bridge Street, next the Churchyard there; and from thence through the ſeveral Pariſhes or Townſhips of Great Kington aforeſaid, Combrooke, Compton Verney, Walton, and Welleſbourne Haſtings, in the ſaid County of Warwick, to the Guide Poſt at the Town or Village of Welleſbourne Haſtings aforeſaid, Preamble.

by the Side of the Turnpike Road leading from the Town of Warwick to the City of Bath, is in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened by the present Methods provided by Law: 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 Charles Aylworth, the Reverend Annesley Clerk, Thomas Attwood, Sir William Bagot Baronet, Dionysius Bradley, Richard Burford, Samuel Bacon, Birch, Jonathan Butter, Thomas Bird, John Bird, Thomas Blakeman, Robert Child, Edward Croft, the Reverend John Coles, Richard Calcott, John Carpenter, George Cattell, John Cattell, Samuel Clemens, Thomas Collins, Chambers, Edward Clifford, Jacob Capp, John Chandler, Robert Crofts, John Dewes, Court Dewes, the Reverend Dewes Clerk, — Eberall, Eagles, John Fairfax, William Field, the Right Honourable George Greville, commonly called Lord Greville, the Right Honourable George Grenville, the Right Honourable James Grenville, the Honourable Charles Greville, the Honourable Robert Greville, Timothy Goodwin, Bentley Gordon, Arthur Gregory, Edward Gibbs, the Reverend William Green D. D. John Garland, Robert Green, John Green, Thomas Green, Thomas Green junior, Thomas Greenway, William Greenway, Bernard Gery, Moses Gosnel, Richard Garrett, Daniel Garrett, William Holbech, Hugh Holbech, Benjamin Horseman, the Reverend Edward Hughes, the Reverend Richard Hopkins, John Holyoake M. D. the Reverend Harmer, John Harris, William Hunt, William Hiorn, Richard Hitchcox, Jarvis Harris, John Ingram, Robert Jones, William Jones, Ilett, Kettle, George Lucy, the Reverend Matthew Lamb, Walter Landor M. D. John Ledbrooke, Joseph Lee, the Most Honourable John Manners commonly called the Marquis of Granby, Sir Charles Mordaunt Baronet, John Mordaunt, Sanderson Miller, Joseph Mead, Edward Metcalf, Thomas Mortiboys, the Reverend Charles Mordaunt, the Reverend Marmaduke Matthews, the Reverend John Mills, Thomas Mann, Medams, William Moody, John Mitchell, the Right Honourable Frederick North commonly called Lord North, the Honourable and Reverend Brownlow North, the Reverend Stephen Nason, the Reverend Peers Newsam, Clement Newsam,

Trustees Names.

Newſam, John Norton, Charles Porter Packwood, John Parry, Watſon Powell, Joſeph Painter, John Parkes, Nathaniel Ryder, Walter Ruding ſenior, Walter Ruding junior, the Reverend Roberts, Richard Roberts, the Honourable George Shirley, Sir Charles Shuckburgh Baronet, William Sheldon, Sheldon, John Sheldon, George Shuckburgh, William Stanton, the Reverend Smith D.D. the Reverend Shuckburgh, the Reverend Seagrave, the Reverend Sherrard, William Sabin, Richard Samman, Robert Stringer, Daniel Serjeant, Charles Henry Talbot, Edward Townſend, the Reverend Samuel Trotman, Thomas Townſend, Edmund Tompkins, Richard Taylor, William Taylor, Joſiah Twamley, the Honourable John Peyto Verney, the Honourable George Peyto Verney, John Venour, Vennor, James Weſt, James Weſt junior, Matthew Wiſe, Henry Wiſe junior, Charles Ward, John Webb, Thomas Woodward, Thomas Ward, the Reverend Willes, the Reverend Thomas Welch, John Ward, William Wilſon, Robert Welch, John Welchman, George Weale, Richard Wright, William Watchorne, Thomas Watchorne, Robert Wilmot, the Mayor and Aldermen of the Borough of Warwick for the Time being, the Mayor and Aldermen of Banbury for the Time being, John Standbridge, Leonard Chandler, John Barnet, John Radford, Joſeph Radford, Richard Phillips, William Worrall, Thomas Worrall, and James Worrall, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, 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 Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of a Perſonal Eſtate of the Value of One thouſand Pounds, or ſhall be Heir Apparent of ſome Perſon having a Real Eſtate of the clear yearly Value of Eighty Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform 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, Bill, Suit, or Information, wherein no

Penalty on acting if not qualified.

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 hath acted as a Trustee in the Execution of this Act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road, and also upon the Side or Sides thereof, and cross any Lane or Way near to, or leading into the same, and also a Toll-house or Toll-houses at or near to each Gate or Turnpike;

and take Tolls thereat.

and shall demand, receive, and take the Tolls following, before any Horse or Carriage whatsoever shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Hearse, Caravan, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Nine-pence; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of Sixpence.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, Three-pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses, Mares, Geldings, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, Oxen, or other Beasts of Draught, Nine-pence; and drawn by Two Horses, Mares, Geldings, Oxen, or other Beasts of Draught, Sixpence; and drawn by One Horse, Mare, Gelding, Ox, or other Beast of Draught, Three-pence.

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected, shall be, and is hereby

hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and may be assigned to, and paid for the several Uses, Intents, and Purposes, and 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 to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods, or any Carriage, upon which such Tolls are by this Act imposed, or any other of the Goods and Chattels of any Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges for distraining, keeping, and selling, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls may be levied by Distress.

Distress may be sold after 4 Days.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle and Carriage, through all the Gates or Turnpikes to be erected by virtue of this Act, upon or on the Sides of any Part of the said Road between Upton aforesaid and Wellesbourne Hastings aforesaid; but that all and every Person and Persons having paid Toll as aforesaid, at either of the Gates or Turnpikes to be erected by virtue of this Act, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriage, through the Gate or Turnpike at which such Toll was paid, and all other Gates or Turnpikes to be erected by virtue of this Act, upon, across, or on the Sides of any other Part of the said Road, upon producing a Note or Ticket, denoting the Payment of such Toll; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That out of the first Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge the Charges and Expences of procuring and passing this Act; and

Expences of this Act to be first paid.

Application of the Monies.

the Remainder of the Money so raised shall be applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, or the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall, from Time to Time, order, direct, and appoint.

Turnpikes may be taken down or removed.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorised and impowered, from Time to Time, to remove any Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act, and to erect such other Gate or Gates, Turnpike or Turnpikes, in such other Place or Places across or on the Side or Sides of the said Road, as the said Trustees, or any Nine or more of them, at any General Meeting shall think proper: Provided always, That no Side Gate shall be erected in the Town of Great Kington.

No Gate to be erected in Great *Kington*.

And be it further enacted, by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this Act, and the Right and Property to and of the Materials provided for building and repairing the same, and to and of all Materials which shall be actually got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorised and impowered to bring, or cause an Action or Actions to be brought, in the Name or Names of any One or more of them, or their Treasurer or Treasurers, Clerk or Clerks, or to prefer, and order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall keep Possession of any Turnpike or Toll-house, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the Time being, to such Person or Persons to quit the same; or who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall by virtue of this Act be erected or provided, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

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

...tees may ... &c. the ...

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, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from Time to Time, by Writing under their Hands and Seals, to let or farm

the

the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon publick Bidding to the highest Bidder; payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Nine or more of them, shall think fit.

Penalty on permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Beast, or Carriage, go or pass through any Ground, Parcel of Land, or other Place adjoining to or lying near any or either of the Gates or Turnpikes to be erected by virtue of this Act, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Beast, or Carriage, to go or pass through such Ground, Land, or Hereditaments; or if any Person or Persons shall give to or receive of any Person or Persons any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse or other Cattle from any Carriage, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the aforesaid Cases, every Person so offending, being convicted, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Exemptions from Toll.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for the going, passing, returning, or repassing of any Waggon, Wain, Cart, Dray, or other Carriage, or of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway; or in the Carriage of any Dung, Mould, Soil, Compost, or Manure of any Kind (except Lime) for the manuring of any Garden, or other Land or Ground; or that shall be used or employed in the ploughing, sowing, tilling, cultivating, or flocking of any Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw,

Goſs, or dead Hedgewood, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Yards, or Backſides, of the Owner or Owners thereof; or for the going, paſſing, returning, or repaſſing of any Plough, Harrow, Dray, or other Implements of Husbandry, or of any Horſe, Mare, Gelding, Ox, or other Beaſt drawing the ſame, in order for repairing thereof, or uſing them in Husbandry, or any Thing whatſoever that ſhall be uſed or employed in Husbandry, or manuring or ſtocking of Land (except Lime); or for the going, paſſing, returning, or repaſſing, of any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt or Cattle, to or from Water or Paſture, or in order to be ſhoed, farried, or cured of any Lameneſs, Illneſs, or Diſtemper; or for the going, paſſing, returning, or repaſſing, of any Horſe, Mare, Gelding, Mule, or Aſs, that is or ſhall be uſed only to ride on by the Owner or Driver of any Waggon or other Carriage, the ſame going or travelling along with ſuch Waggon or Carriage; or for the going, paſſing, returning, or repaſſing of the Horſes of any Officers or Soldiers on their March; or of any Waggon, Cart, or other Carriage, or of any Horſe, Mare, or other Beaſt, drawing the ſame, in the Carriage of the Arms or Baggage of ſuch Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horſe or other Beaſt, drawing or not drawing the ſame, that ſhall be uſed or employed in the paſſing of Vagrants travelling with Paſſes; or for any Poſt-horſe or Horſes carrying or drawing the Mail; or for the paſſing, returning, or repaſſing of any Horſe, Mare, Gelding, Mule, or Aſs, or of any Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Caravan, or any other Carriage, or of any Horſe, Mare, or Gelding drawing the ſame, that ſhall be going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the County of Warwick, on the Day or Days of ſuch Election or Elections; nor ſhall any Toll be demanded or taken from any Perſon for any Cattle or Carriage for croſſing the ſaid Road only: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Forty Shillings.

No Toll on Election Days, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe known by the Sign of the Red Lion in the Town of Great Kington aforeſaid, in the ſaid County of Warwick, on the Eighteenth Day of April, One thouſand ſeven hundred and ſeventy, and proceed to

Time and Place of Truſtees Meeting.

the Execution of this Act; and shall and may then adjourn themselves from Time to Time and meet at the Place aforesaid, or at any other Place or Places in or near the Road to be repaired by virtue of this Act, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as shall be necessary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, or in case the Trustees at any Time so assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing, to be affixed upon all the Turnpikes which shall be erected upon or cross the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held on the Day Three Weeks, or that Day Six Weeks after the Day on which such last Meeting was held; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in the Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any Order or Determination be revoked or altered at any subsequent Meeting, unless Nine of such Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, and for Want of such Clerk, to the Person or Persons acting as Treasurer or Treasurers on the said Road, or by him or them affixed up at all the Gates or Turnpikes then standing upon the said Road, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

No Order to be repealed unless Nine Trustees be present.

No Trustee to accept of any Place of Profit.

Trustees in Commission of the Peace may act as Justices.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees

Two Trustees sufficient for Adjournment.

to

to be held under this Act, then in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Road upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act; and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

In case the Clerks shall omit giving Notice, Trustees to do it.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving and remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road at least Fourteen Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they were respectively chosen were vested with.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may and they are hereby impowered at any Meeting to be held in pursuance of this Act, to borrow and take up at Interest any Sum or Sums of Money as they, or any Nine or more of them, shall think necessary, upon the Credit of the Tolls payable by virtue of this Act; and to assign and convey over the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons that shall advance or lend their Monies thereon for any Time or Times during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed, shall be applied in such

Tolls may be assigned for Money borrowed.

Manner,

Manner, and for such Purposes only, as the Tolls so assigned are hereby directed to be applied; and that Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after the First Meeting of Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes at least Fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered from Time to Time, by Assignment under his, her, or their Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; all which Assignments and Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Transfer or Transfers, specifying the Dates thereof, and the Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and the Places of Abode of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Clerks shall be paid Two Shillings and Sixpence, and no more, by the Person or Persons to whom such respective Assignments or Transfers shall be made; which said Book or Books shall and may be inspected at all seasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, and not otherwise, such Assignment and Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Assignments to be entered in Books.

Assignments may be transferred.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing such Sum or Sums of Money; 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 this Act, and in equal Degree one with another.

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

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments or other Securities to be made in pursuance of this Act.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, from Time to Time to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Road, and such other Officers for the due Execution of this Act, as they the said Trustees, or any Seven or more of them, shall think proper;

and remove them and appoint others.

and from Time to Time to remove such Officer or Officers; and on the Death or Deaths, Removal or Removals of such Officers, to appoint others in their Steads; but Fourteen Days Notice shall be given of every Meeting, where any such Appointment shall be made after the First Meeting of the said Trustees, upon all the said Turnpikes; and may and are hereby authorised and impowered, by and out of the Monies which shall arise

Trustees to allow Officers Salaries.

by virtue of this Act, to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in or about the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in putting this Act in Execution, as they the said Trustees, or any Seven or more of them, shall think reasonable.

Treasurer to give Security.

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

Victuallers, &c. not to hold any Place of Profit.

Five or more of them, shall seem meet: And that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, from Time to Time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths, the said Trustees, or any Two or more of them, are hereby authorised and empowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officers or Persons shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles also thereof upon his or their Oath or Oaths; or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power relating to the Execution of this Act; then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring, or cause any Action or Actions to be brought, in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies

Officers to account.

Officers neglecting or refusing to account,

Actions may be commenced against them.

Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live and reside; such Justice may and is hereby authorised and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such a Manner as the Trustees, or any Five or more of them, by virtue of this Act might have done; and if, upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (and which said Oath or Oaths such Justice is hereby impowered to administer) it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorised and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose; upon Notice thereof in Writing delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice may and is hereby authorised and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Com-

Differences to be settled by a Justice.

On Non-payment, to be levied by Distress.

For want of Distress, Offender to be committed,

mon

mon Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in those Respects have been made, or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated by them to be paid, (which said Compositions of the Money, the said Trustees, or any Five or more of them, are hereby authorised and impowered to make and receive) or until he or they shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them. till Payment or Composition be made.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any Thing herein contained to the contrary notwithstanding. Trustees may appoint Collectors, tho' not at a publick Meeting.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of Roads, in, upon, out of, or from, any Waste or Common Ground or Grounds, River or Brook, in any Parish, Town, or Place in, adjoining to, or lying near, the said Road, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Materials, Surveyors may dig Gravel, &c. in Waste Grounds, &c. w'thout paying for the same, levelling the Pits;

proper and sufficient for that Purpose, cannot be had or found in or upon such Waste or Common Ground or Grounds, then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away, any such Materials aforesaid in, upon, or out of, from, and over the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Walk or Walks of Trees, or Avenue to any House) paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away, the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owner or Occupier, or any or either of them, concerning the said Damages, the Justices of the Peace of the County or Place wherein such Difference shall arise, at their General Quarter Sessions of the Peace to be held in and for the same County or Place next after such Differences shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, shall hear, settle, and determine, the Matter of the said Damages; whose Judgement or Order therein, shall be final and conclusive to all Parties.

or from private Grounds,

making Satisfaction to the Owners.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks,

Surveyors may remove Annoyances;

or

or Drains, running along, into, or out of, the said Road, or any Part thereof, to the Prejudice thereof, and to open, scour, cleanse, or widen any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop, or top, any Trees, Branches, Shrubs, or Bushes growing in the said Road, or any Part thereof, or in the Hedges or Banks adjacent thereto, and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop, or top, cut down, and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Five of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit the Sum of Twenty Shillings.

cleanse Ditches;

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

Penalty on a subsequent Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Road; and also through any Grounds or Fields lying contiguous thereto; and also to make a Road through the Grounds or Fields adjoining or lying near to any narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park,

Surveyors may make Causeways, &c.

and make a temporary Road;

Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

making Satisfaction to the Owners.

Penalty on interrupting Surveyor in his Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, gathering, or carrying away any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flint, Stones, or other Materials, for the altering, widening, or repairing the said Road by this Act intended to be repaired, or in topping, lopping, cutting, or carrying any Tree, Top, Lop, or Overhangings, or digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, or altering the said Road by virtue of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall at any Time or Times hereafter, during the Continuance of this Act, think proper to extend, enlarge, widen, or make any new Road or Roads, instead of and contiguous or adjacent to any Part or Parts of the said Road hereby directed to be repaired, that then it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorised and impowered to contract with the Owner or Owners of any Lands or Hereditaments lying on either Side of any Part or Parts of the said Road to be extended, enlarged, or widened, or through which any new

new Road or Roads to be made, instead of and contiguous or adjacent to any Part or Parts of the Road hereby directed to be repaired shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments as they the said Trustees, or any Nine or more of them, shall think proper and necessary for the extending, enlarging, widening, or making any new Road or Roads, instead of the said present Road, or any Part or Parts thereof: And all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees for or on Behalf of Infants, Femes-covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees, by this Act appointed or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made, as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever: And if the said Trustees, and Owner or Owners, cannot agree, as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased; then, and in such Case, the said Trustees, or any Nine or more of them, may, and are hereby authorised and impowered, Six clear Days before any General or Quarter-sessions of the Peace to be holden for the respective Counties where such Lands shall lie, to give, or cause to be given, to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at their last Place of Abode respectively with some or One of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Road, or any Part or Parts thereof, and the Places where the same shall lie, and purporting that the Value and Values of such Lands or Hereditaments respectively shall be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall and are hereby authorised and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then

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

a Jury to be summoned to settle the Recompence.

and there impanelled and returned by the Sheriff of the County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprised in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein (which Oath the said Justices are hereby impowered and required to administer to the said Juries); and to which said Juries they the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, and Quantity, and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein, and thereby found and directed to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands or Hereditaments to the said Trustees, or any Nine or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same (and which Money, Damages, and Recompence, the said Trustees, or any Nine or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected by virtue of this Act) the said Lands and Hereditaments, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said Trustees, or any Nine or more of them, or any Person or Persons by them, or any Nine or more of them, for that Purpose impowered or employed, may, and is and are hereby authorised and impowered to take and lay the said Lands and Hereditaments, and every Part thereof, into

Jurors may be challenged.

whose Verdict shall be binding.

Lands when purchased to be made Part of the Road, and deemed as such.

into the said Road; and then, and from thenceforth ever afterwards, such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same are and is hereby made and declared to be a Part or Parts of such Road, and shall, for ever thereafter, be repaired and kept in Repair as Part of such Road; any Right, Title, Interest, Law, Custom, or Usage to the contrary thereof in any wise notwithstanding: And in case any new Road shall be purchased contiguous or adjacent to any Part of the Road hereby directed to be amended and repaired, and such new Road shall be made and completed, all Right of Way or Passage over the Lands and Grounds comprised in and through which the said old Road did lead shall cease; and the same Lands and Grounds is and are hereby vested in the said Trustees, and shall and may by them, or any Nine or more of them, be sold or disposed of for the best Price that may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the Road hereby directed to be repaired; and the Conveyances to be made of such Lands and Grounds comprised in and through which the old Road did lead, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the County in which such Road shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

and to be kept in Repair.

Old Road to be sold.

Provided always, and be it further enacted by the Authority aforesaid, That in altering, widening, turning, or diverting any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Houses, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, and other Persons whatsoever, who by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the Road by this Act intended to be repaired, or any Bridge or Bridges thereon, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Persons chargeable to the Repair of the Road, to continue so.

And

Persons liable to Statute-work to continue so.

And be it further enacted, That all Owners and Occupiers of Land and Tenements, and Inhabitants in and of the several Parishes, Hamlets, Townships, and Places through which the Road by this Act intended to be repaired doth lead, and that are or shall be liable to do Statute-work or Duty on the Highways, shall, yearly and every Year, do Three Days of such Statute-work or Duty in such Part or Parts of the said Road as doth or do lie in such Parishes, Hamlets, Townships, and Places respectively, and in such Parts thereof, and at such Times (the same not being in Hay-time or Harvest) and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act appointed as aforesaid, or either of them, shall for those Purposes direct or appoint; and that every Inhabitant of such Parishes, Hamlets, Townships, and Places respectively, who shall rent, hold, or occupy Lands, Tenements, or Hereditaments of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall, with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day;

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

and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, Townships, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, Townships, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any of the said Turnpike Surveyors under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, Townships, and Places respectively; and shall therein distinguish and set forth which of such Inhabitants keep Teams or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duty or Duties to the Highways; and if any

Penalty on Neglect of Duty, and on Surveyors neglecting to deliver in such Lists;

of the Inhabitants of the said Parishes, Hamlets, Townships, or Places shall refuse or neglect to do their respective Statute-work or Duty on the said Road, at such Times and Places, and in such Manner, as, according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said

Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein-after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Sixpence; and if any of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, Townships, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner hereinbefore for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the several Inhabitants of, and Occupiers of Lands in the several Parishes, Hamlets, Townships, and Places through which the Road by this Act intended to be repaired doth lead, for the Statute-work and Labour by them respectively by virtue of this Act to be done by each respective Person in the said Road in every Year, and to take and receive, as a Composition for each Day's Work with a Team, any Sum or Sums of Money not exceeding the Sum of Nine Shillings, nor less than the Sum of Four Shillings and Sixpence, as the said Trustees, or any Five or more of them, shall think reasonable and proper; so as the several Sums of Money at and for which such Work and Labour shall be so compounded, shall be paid down at the respective Times of making such Composition.

Power to compound for Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered to compound by the Year or otherwise, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, near, through, or into which any Part or Parts of the Road by this Act directed to be widened and repaired lead, for themselves, Servants, Carriages, and Cattle, not travelling for Hire, passing through all or any of the Turnpikes to be erected by virtue of this Act; which Composition-money shall be paid to the said Trustees, or any Seven or more of them, or to their Appointment, at the Time of making such Composition,

and shall be applied in the same Manner as the Tolls by this Act granted are directed to be applied.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause Stones or Posts to be set up on the Sides of the said Road, at the Space of One Mile from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from some Town or Place, as they shall think fit; and also to erect Guide or Direction Posts, with such Inscriptions thereon, as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully break or pull down, dig up, or damage the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks, that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety, after replacing or repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed, shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants under his Hand and Seal, for the apprehending and bringing such Person or Persons before him or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice (which he is hereby in such Cases required to issue) at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being

ing so left Four Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses, upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Nonpayment thereof (though the same shall not be demanded) shall issue a Warrant or Warrants under his Hand and Seal for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus (if any there be) after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress or Distresses for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal for the apprehending such Offender or Offenders, and for committing him or them to the Common Gaol or House of Correction of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties and Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them; and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive; and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties, Forfeitures, or Charges.

Justices to inquire into the Default.

On Non-payment, to be levied by Distress.

For want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed (other than and except such or such Parts thereof as are by this Act otherwise directed to be paid) shall be paid to the said Trustees, and shall be by them applied in the Repair of the said Road, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Application of the Penalties.

And be it further enacted, That if any Person shall think himself aggrieved by any Thing done in pursuance of this Act, such Person may appeal against the same to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the County where

Persons aggrieved may appeal to the Quarter Sessions.

where the Matter shall arise, after the Act, Order, Conviction, Judgement, or Determination, shall by virtue hereof be done or made, upon Ten Days Notice therein Writing (if so many Days shall be to come before the said next Sessions) being given by such Person in Writing of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Road in respect whereof such Act, Order, Conviction, Judgement, or Determination shall be so made, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices at their said Sessions may, and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals, as they shall judge proper; and which said Judgements of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattels, or by Commitment of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Notice of Appeal to be given.

Recognizance to be entered into, &c.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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 on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any 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 happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover

Distress not to be deemed unlawful for want of Form;

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

recover full Satisfaction for the Special Damages which he or they shall have sustained thereby, with the usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties so aggrieved.

Provided nevertheless, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties distraining, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit, with Full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case of Law. Plaintiff not to recover if Tender of Amends hath been made.

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions by virtue of this Act, shall be quashed, vacated, or discharged for want of Form only, or shall be removed by Certiorari, or otherwise, into any Court of Record at Westminster. Proceedings not to be quashed for want of Form, not removeable by *Certiorari*.

And be it enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any of them, in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and bona fide out of Pocket, for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them. Prosecutors and Informers indemnified, &c.

And be it further enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, Commencement and Continuance of this Act.

shall commence and have Continuance from the Day of the Passing of this Act, for and during the Term of Twenty-one Years; and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings of the Trustees, to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books to be, by the Clerk or Clerks to the said Trustees, kept for those Purposes; and such Acts, Orders, Accounts, and Proceedings, so entered, shall be signed by the said Clerk or Clerks, and being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Books to be read in Evidence.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, 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 any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees or Justice of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons for any Thing done or to be done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any Thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and not afterwards, and shall be laid and tried in the County where the Cause of such Action shall arise, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act and the special Matter in Evidence, and that the same was done by virtue hereof: And if on the Trial of such Action it shall appear that the same was brought before the Expiration of the Twenty Days next after such Notice shall have been so given or left as aforesaid; or after the End of Six Calendar Months next

General Issue.

after the Cause thereof shall arise, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein: And in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or if the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be Nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law. Treble Costs.

Provided always, and be it further enacted, That if any Action at Law shall be brought against any Person for any Thing done in pursuance of any Summons, Notice, Act, Order, Judgement, Conviction Determination, Warrant, or other Proceeding, of or from the said Trustees, or of or from any Justice of the Peace, or of the Quarter Sessions; the Defendant or Defendants, in such Action, shall not be deemed a Trespasser or Trespassers on account of any Defect or Want of Form, or other Irregularity, of or in any such Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or Proceeding; nor shall the said Defendant or Defendants be deemed a Trespasser or Trespassers ab initio, for or on account of any Irregularity which shall afterwards be done by him, them, or either of them; but the Person or Persons aggrieved by such Irregularity shall recover Satisfaction only for the special Damages in an Action or Actions on the Case. Defendants not deemed Trespassers for Want of Form, &c.

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

FINIS.