Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Lewes* to *Brighthelmſton*, in the County of *Suſſex*.



WHEREAS the Road leading from the Town and Borough of Lewes, in the County of Suſſex, to the Town of Brighthelmſton in the ſaid County, is in a ruinous Condition, and in ſeveral Parts narrow and incommodious, and cannot be effectually repaired, widened, and rendered commodious by the ordinary Courſe of 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, Preamble.

Truſtees Names.

That William Aſhburnham, Richard Arnold, Robert Auſten Clerk, William Allen Clerk, Sir John Bridger Knight, John Bridger, Richard Bridger, Colvill Bridger, John Baniſter, William Board, William Bromfield, Henry Burtenſhaw, William Henry Benge, Willlam Brett, Edmund Baker, William Boys, James Buckoll, John Bead, Daniel Beard, Henry Blackman, Robert Blackman, John Beadle, Abraham Baley, John Briſted Clerk, John Biſhop Clerk, George Courthop, George Courthop junior, Henry Courthop Campion William Campion, Thomas Chowne, Gibbs Crawfurd, Stephen Cook, John Chambers, Thomas Cheeſman, Richard Comber, William Crawley, Henry Courthop Clerk, Sir John Dixon Dyke Baronet, James Dalrymple, Samuel Durrant, Samuel Daſh, Richard Dungate, Thomas Dennett, John Delap D. D. Thomas Davies Clerk, George Auguſtus Elliott, George Raymond Evelyn, John Elliott, Roſe Fuller, Stephen Fuller, Thomas Fuller, John Fuller of Lewes, John Fuller junior of Lewes, John Fuller of Heathfield, Edmund Ferrers, Henry Freeman, the Right Honourable William Hall Lord Viſcount Gage in the Kingdom of Ireland, the Right Honourable George Germain commonly called Lord George Germain, William Green, Charles Gilbert, Thomas Gilbert, the Honourable Thomas Hampden, Thomas Hay, Richard Harcourt, Richard Bard Harcourt, John Holroyd, Henry Humphery, Lancelot Hariſon, William Hammond, John Hicks, Nathaniel Hall, John Hubberſty Clerk, Henry Jackſon, John James, Ebenezer Johnſton Clerk, William Kempe, Henry Kipping, John Kemp, Thomas Kemp, Thomas Kent, Thomas Knight, the Right Honourable George Henry Lenox commonly called Lord George Lenox, Charles Langford, William Lucas, Henry Luſhington D. D. Daniel Le Pla Clerk, George Medley, William Michell, James Michell, Joſeph Molyneux, Thomas Moon, William Michelborne, John Madgwick, Thomas Mercer, Henry Manning, Henry Manning junior, Philip Mighell, Henry Michell Clerk, Robert Margeriſon Clerk, Joſeph Matthew Clerk, the Honourable Henry Nevill, John Newnham, Nathaniel Newnham, Anthony Nott, Thomas Norton, Charles Naſh Clerk, George Newton Clerk, Edward Ollive, the Honourable Thomas Pelham, Sir Ferdinando Poole Baronet, John Pelham, Henry Pelham, William Poole, Edward Poole M. D. James Parke, John Plumer, William Peckham, Robert Plumer, John Payne, William Price, Thomas Porter Clerk, Thomas Pardoe Clerk, John Ridge, Thomas Rogers, William Ridge ſenior of Lewes, William Rogers, William Ridge of Rottingdean,

singdean, William Ridge junior of Lewes, James Ridge, John Richards, John Read, John Rogers, Richard Russell Clerk, John Rideout Clerk, Sir John Shelley Baronet, Sir Robert Smith Baronet, the Right Honourable John Shelley, Elfred Staples, Luke Spence, Henry Spence, Henry Shelley, Michael Sergison, John Shore, Richard Shadwell, William Shadwell, Charles Scrase, John Smith, Josias Smith, Philip Soale, John Snashall, Samuel Snashall, William Stafford, Thomas Scutt, Samuel Shergold, John Sickelmore, Henry Scrase, Sir George Thomas Baronet, Richard Tidy, Thomas Tourle, John Tourle, John Turner, William Tourle, William Tatton D. D. the Honourable George Venables Vernon, John Vallance, the Right Honourable Edward Earl of Winterton in the Kingdom of Ireland, Sir Whistler Webster Baronet, Sir Thomas Spencer Wilson Baronet, Francis Warden, Thomas Willard, Drew Walter, John Woodgate, Thomas Woodgate, Francis Wheeler, Thomas Wakeham, John Winton, Stephen Wellon, Francis Whitfield, John Wenham Clerk, Joseph Wright Clerk, William Woodward Clerk, and their Successors, to be appointed in Manner herein after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto, a personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed incapable to act shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record of 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 qualified, or otherwise shall pay the said Penalty, without any Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Robert Withington, known by the Name of The Star Inn, in the Town of Lewes aforesaid, on the Day Three Weeks next after the Day of the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and at all subsequent Meetings, adjourn themselves from Time to Time, to such Times and Places in or near the said Road so to be repaired, 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 fixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

Two Trustees sufficient for the Purpose of Adjournment.

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

Trustees not to accept of a Place of Profit.

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

Trustees may act as Justices.

And be it further enacted, That any Trustee appointed in or by virtue of this Act, who shall be a Justice of the Peace, is hereby authorised and impowered to act as a Justice of the Peace in the Execution of the Powers and Authorities hereby given to any Justice of the Peace, notwithstanding his being a Trustee.

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

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

Notice of Election to be given.

And

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause One or more Gate or Gates, Turnpike or Turnpikes, to be erected in, upon, and across such Part and Parts of the said Road as the said Trustees shall think proper (except as herein after is mentioned and provided) and shall and may erect or provide a Toll-house or Toll-houses to each of the said Gates or Turnpikes; and shall and may at any Time or Times during the Continuance of this Act, as often as they shall see Occasion, take away and remove, or cause to be taken away and removed, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, from the Place or Places where the same shall be so erected, and erect the same on any other Place or Places in, upon, and across the said Road respectively, as they shall think fit; and shall and may cause to be demanded and taken at each and every of the said Gate or Gates, Turnpike or Turnpikes, the following Tolls or Duties before any Carriage or Cattle shall be permitted to pass through the same, (that is to say) Trustees may erect Turnpikes and Toll-houses, and take Tolls therein.

For every Carriage whatsoever drawn upon Four Wheels, the Sum of Sixpence. The Tolls.

For every Carriage drawn upon Two Wheels, the Sum of Three-pence.

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

For every Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Half-penny.

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

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Penny 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 Seven 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 Tolls vested in the Trustees.

Tolls may be levied Diſtreſs.

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 the ſaid 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 ſeizing and diſtraining ſhall not be paid within the Space of Four Days, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſes, Cattle, Beaſt, 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.

Diſtreſs may be ſold after 4 Days.

Truſtees may erect ſide-gates,

And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe to be erected One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes on the Side or Sides of the ſaid Road, or upon, in, or acroſs any Lane or Way leading into the ſame, to prevent Perſons evading the Payment of the Tolls hereby granted; and there to cauſe to be taken and levied ſuch Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, ſo as the ſame do not extend to a double Charge upon any Perſon paſſing through any other of the Gates or Turnpikes erected by virtue of this Act: Provided that no Croſs-gate, Side-gate, or Turnpike ſhall be erected within the Diſtance of Three Quarters of a Mile of the Town of Lewes, or of the Town of Brighthelmſton.

and take Tolls thereat;

ſo as the ſame do not extend to a double Charge.

Turnpikes and Toll-houſes veſted in Truſtees.

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

And

And be it further enacted, That out of the First Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Two or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised as aforesaid in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending the said Road, 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. Application of the Tolls.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees to lay out or apply any of the Money to be raised by virtue of this Act in paving or repairing of the Pavements of any publick Street or Streets, or any Bridge or Bridges; but such Street and Streets, Bridge and Bridges, shall continue to be repaired and kept in Repair by such lawful Ways and Means whereby the same heretofore have been and still ought to be repaired. Trustees to repair Pavements.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two-thirds of the Money borrowed on the Credit of the Tolls to be levied by this Act, to lessen the same, or any Part thereof, for such Time as the said Trustees, or any Seven or more of them, shall think proper; and such Tolls so lessened shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied. Tolls may be lessened.

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

compellable again to pay the said Toll or Duty hereby imposed on such respective Carriage, and to receive another Note or Ticket, which the Collector and Collectors is and are hereby required to deliver as aforesaid, which shall intitle him or them to return through the same Gate with the same Carriage upon the same Day once more Toll-free, and so toties quoties for every Third Time the same Person or Persons shall pass the same Day through the same Gate or Turnpike, or Side-gate, with the said Carriage as aforesaid.

Trustees may farm-lett the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, upon One Month's Notice to be given in Writing under the Hand of the Clerk to the said Trustees, to be affixed on all the Turnpikes to be erected by virtue of this Act, may at any Time during the Continuance of this Act let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons by the Year, or for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Nine or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid for any Materials for repairing any Road or Highway in any Parish or Place through which the said Road leads; or for any Hay or Corn in the Time of Harvest carrying to the Barns of the Proprietors; or for any Corn in Straw, Hay or Straw to be laid up or housed in any Barns or Out-houses, or upon any Lands and Premises of and belonging to any of the Inhabitants of the respective Parishes in which the said Road doth lie (except such Corn, Hay, or Straw be sold or for Sale); or for any Ploughs, Harrows, or other Implements of Husbandry; or for any Hop-poles which shall grow and be used in the Parishes in which the said Road doth lie (except the same be sold or for Sale); or for any Dung, Mould, Marl, Compost, or other Materials to be used in amending or manuring of Land (except Chalk and Lime); nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes in which the said Road lies, who shall pass through any of the said Turnikes to and from Church, Chapel, or other Places of religious Worship on Sundays; nor

for

for any Horses, Mares, Geldings, or other Cattle or Beasts going or returning from Water or Pasture belonging to any of the Inhabitants of the Parishes in which the said Road lies; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages or Waggons attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Waggons travelling with Vagrants sent by Passes.

No Tolls on Election Days.

Provided always, That during the Continuance of this Act all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, Litters, and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the County of Sussex, such Coaches, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers going to or returning from such Election; any Thing herein contained to the contrary thereof notwithstanding.

Penalty on making illegal Claims.

Provided also, 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 Road.

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

And be it further enacted, That if any Person or Persons whatsoever owning or occupying any Lands near to any Gate or Turnpike, or any Side-gate erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any such Lands, Gates, Passages, or private Ways with any Cattle or Carriage; or if any Person or Persons shall with any Cattle or Carriage pass through any such Lands, Gates, Passages, or private Ways; or if any Person or Persons 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, or any Side-gate erected by virtue of this Act, in order to avoid the Payment of any 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, or Side-gate, with any Cattle or Carriage, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending, in each of the

Cases

Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Monies borrowed charged on the Tolls.

And for the more speedy repairing and widening the said Road, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, upon the Credit of the Tolls hereby made payable, or any Part or Parts thereof, to borrow and take up at Interest any Sum or Sums of Money as they shall think needful; and may and they are hereby authorised and impowered to assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years during the Continuance of the Term hereby granted, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and that all Persons to whom such Assignments shall be made as aforesaid, shall (so far as the gross Sum shall extend) be and are hereby declared to be Creditors on the said Tolls in equal Degree one with another; Copies of all such Assignments or Securities, or Abstracts thereof, shall be entered in a Book or Books to be kept for that Purpose; and all the Sums of Money so to be borrowed shall be applied in such Manner as the Tolls are herein before directed to be applied, and for no other Use or Purpose whatsoever.

All Creditors to be deemed equal in Degree.

Assignments to be entered in Books.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, as a Security for any Sum or Sums of Money by any Person or Persons whatsoever lent and advanced on the Credit of this Act, or who shall be intitled to the Money thereby secured, shall and may from Time to Time, by Assignment 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 Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment or Transfer shall be produced and notified to the Clerk to be appointed by virtue of this Act, within Three Months after the Date thereof, who shall cause an Entry or Memorandum to be made of such Assignment, containing the Dates, Parties Names, and Sums of Money therein after mentioned to be transferred

ferred, in a Book to be kept for that Purpose, for which the Clerk shall be paid such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall order and direct; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign and transfer, and so toties quoties; any Thing herein contained to the contrary notwithstanding.

Notice to be given of borrowing of Money.

Provided always, and it is hereby further enacted and declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees after their First Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees, be by the Order of the said Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees to appoint Officers;

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, or any or either of them, from Time to Time to remove, and to appoint others in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and all and every such Officers and Persons shall from Time to Time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands, upon Oath to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall to that Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same; and in case any of such Officer or other Person shall not make and render, or 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

and may remove them and appoint others.

Trustees to allow Officers Salaries.

Collectors to account on Oath.

where such Officer or other Person shall reside, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer); and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize until he or they shall make or 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.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorised 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.

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

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

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is, and are hereby authorised and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads in, upon, out of or from any River or Brook, Waste, Common, or Moor in any Parish, Town, or Place in, adjoining to, or lying near the Road aforesaid, to be used in repairing the said Road, without paying any Thing for the same, they the said Surveyors, or other Persons filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be

without paying for the same, levelling the Pits;

taken,

taken, or causing the same to be done; and if such Quantities of Materials as are sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, Common, or Moor, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Nursery, planted Walk or Walks, or Avenue to a House) they the said Surveyors or other Person or Persons paying or offering to pay the respective Owners of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some one of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement and Order of the Justices therein shall be final and conclusive to all Parties.

or from Private Grounds,

making Satisfaction to the Owners.

Differences to be settled by a Justice.

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 Road; and shall or may build or cause to be built any Bridge or Bridges upon, in, or across the said Road, or any Part thereof; and to cut or cause to be cut any Water-courses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof from being overflowed, and erect Bridges over such Drains or Water-courses.

Surveyors may make Causeways, &c.

erect Bridges,

cut Water-courses,

if

and make a temporary Road;

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 Road 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 other narrow or ruinous Road 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.

making Satisfaction to Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Annoyances on the ſaid Road, and to cut down, lop, or top any Trees or Buſhes growing in the ſaid Road, 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 thereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down, lop, or top 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 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 Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath, before Two or more Juſtices of the Peace for the ſaid County or Place, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum

Owners neglecting to remove the ſame after Notice.

Charges to be levied by Diſtreſs and Sale.

Penalty on a ſubſequent Offence.

of

of Forty Shillings, to be levied and recovered in Manner aforesaid.

Owners of Watercourses, &c. not scouring them, Surveyors may do it, and levy the Charge.

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 Road, 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 Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act think proper to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Road; 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.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be 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 Road, or through which the said Road may be turned, and such Person, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying of 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, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c.

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

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 Road, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty-one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the 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 inquired into, and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie (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 Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the 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 better Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition

Jury to settle the Damage and Recompence.

Witnesses may be examined upon Oath.

of

Verdict of Jury to be final.

of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any wise 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 from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments, shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons to appear before the Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the 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

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged.

Trustees may impose Fines on the Sheriff or Jurors, &c. neglecting their Duty.

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 if 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 Forfeiture 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 in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10 *l.* and how to be applied.

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, and Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprised in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for repairing the said Road, and other the Purposes of this Act; and the Sale or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any

Money assessed how to be charged.

Lands purchased to be deemed Part of the Roads, and kept in Repair as such.

Old Road may be sold.

Application of the Money.

Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Houses, &c. not to be damaged.

And be it further enacted, That in 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, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expence 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 or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any such Lands, Grounds, 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 or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Right, Property, or Interest, in such Lands, Grounds, or Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed on the Credit thereof: But if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in 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 or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages 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.

And

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road 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 Road, in the same Manner as they or every of them hath or have heretofore usually done or ought to do; and that the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, and Places through which the Road hereby intended to be repaired doth 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 Road by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorised shall direct or appoint; and that every Inhabitant of, and Occupier of Lands, Tenements, or 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 for every such yearly Value of Fifty Pounds he or they shall so rent, hold, or occupy, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Persons liable to Statute-work to continue so.

Persons renting 50 *l.* a Year, deemed Teamholders.

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 Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places shall and they are hereby required, at the First Meeting of the said Trustees after the Twenty-fifth Day of March in every Year, or 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 erected by virtue of this Act) to deliver to the said Trustees true and perfect Lists in Writing under their respective Hands 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 Surveyors 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 Road leads, shall not deliver in to the said Trustees Lists of the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments in their 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 Road 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

and on Persons not performing Statute-work.

not

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 Six-pence; 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 Road for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart to work on the said Road; and he, she, or they shall be subject and liable to the respective Forfeitures as if he, she, or they had neglected or refused to do or perform the said respective Days Work. Persons found idle to be discharged.

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 Road, and also with the several Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments in the several Towns, Parishes, Hamlets, and Places through which the Road hereby intended to be repaired, or any Part or Parts thereof, doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, at and for such Sum and 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. Trustees may compound for 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 Road directed by this Act to be repaired doth 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 Road, 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 Quar- Justices to apportion Statute-work.

ter 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 Road by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages, &c.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn along any Part of the said Road any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel-carriages; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Road to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones to be set up on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy any or either of the Stones that shall be set up, or erase, obliterate, or deface any of the Inscriptions 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 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 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 Road, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and 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 by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done and 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.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form, nor removeable 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 removeable 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

Diſtreſs not to be deemed unlawful for want of Form;

Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame, be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

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

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

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

Proceedings to be entered in a Book.

And be it further enacted, 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.

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 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 to be revoked, unleſs 7 Truſtees ſhall agree thereto.

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,

Truſtees, unleſs Seven Truſtees ſhall be then preſent, and conſenting thereto.

And be it further enacted, That this Act, and the ſeveral Authorities, Powers, and Tolls, hereby granted and made payable, ſhall commence and have Continuance from and after the Paſſing hereof, for and during the Term of Twenty-one Years; and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

And be it further enacted, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons for any Act, Matter, or 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 Act, Matter, or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried, in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Act, Matter, or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in Purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein, then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Coſts, in any other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.