Anno decimo

Georgii III. Regis.

An Act for enlarging the Term and Powers of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty, for repairing the several Roads leading from the Town of *Bromyard*, in the County of *Hereford*, therein mentioned; and for amending several other Roads adjoining thereto.

WHEREAS an Act of Parliament passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, for repairing the several Roads leading from the Town of Bromyard, in the County of Hereford, to the several Places in the said Act mentioned; and several Sums of Money have been borrowed upon the Credit of the Tolls granted by the said Act, which remain unpaid; which Money, together with the Tolls, have been duly applied, and great Progress hath been made in repairing the said Roads; but the same cannot be effectually amended and kept in good Repair, and the Money borrowed be repaid, unless the said Act be continued

Preamble, reciting Act 25 *Geo.* II.

nued for a further Term of Years, and other Powers granted for making the same more effectual: And whereas the Road leading from a House called The White Horse, in the said Town of Bromyard, to the Road leading from the said Town to the Half-way Ash; the Road leading from the Sheep Street, in the said Town of Bromyard, to the Road leading from the said Town to Perry Bridge; the Road leading from the School-house, in the said Town of Bromyard, to the Road leading from the said Town to Sapey Wood; and the Road leading from thence, to the Direction Post in the Turnpike Road leading from Stanford toward Tenbury; the Road leading from a House in the Possession of Mary Norris, Widow, in the said Town of Bromyard, to the Road leading from the said Town to Herefordshire Lake, in the Parish of Whitburne; the Road leading from Wooferwood Gate to Acton's Green, in the County of Worcester; and the Road leading from the Back Lane, in the said Town of Bromyard, at or near a Place called Holditch Gate, to Stoke Lacy Church, and through the Parish of Bishops Froome, to join the Ledbury Turnpike Road in the said County of Hereford; are, in many Parts, very ruinous, narrow, and incommodious, and cannot be effectually amended, widened, and kept in good Repair without the Aid of Parliament: And whereas the Road leading from Stoke Lacy Church, to the said Town of Bromyard, is at present included in, and directed to be repaired under the Provisions of an Act passed in the last Session of Parliament, for enlarging the Term and Powers of Two Acts passed in the Third and Twenty-second Years of His late Majesty, for repairing the several Roads leading into the City of Hereford, and for amending the Roads to Lancloudy Hill, and Langua Bridge; but it is apprehended that the said Road may be more properly amended and kept in Repair under the Powers of this Act: 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,

Recited Act further continued.

That the Term granted by the said recited Act made in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, shall be, and the same is hereby, further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled, An Act

to amend an Act made in the Twenty-ſixth Year of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and inſtead of all other Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Payments, Puniſhments, Directions and Matters whatſoever, in the ſaid recited Act, made in the Twenty-fifth Year of the Reign of his late Majeſty King George the Second, contained, the Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Payments, Puniſhments, Directions and Matters whatſoever, in this Act contained, ſhall take Place and Effect, and be executed for the Purpoſes of repairing, widening, and keeping in Repair, the ſeveral Roads in the ſaid laſt-mentioned Act mentioned and deſcribed, and alſo the additional Roads herein before deſcribed; and ſhall commence upon the Firſt Monday in May, One thouſand ſeven hundred and ſeventy, and ſhall continue in Force until the Expiration of the ſaid further Term of Twenty-one Years hereby granted, and to the End of the then next Seſſion of Parliament; and ſo much of the ſaid recited Act paſſed in the laſt Seſſion of Parliament, as relates to the ſaid Road leading from Stoke Lacy Church, to the ſaid Town of Bromyard, ſhall be, and the ſame is hereby declared to be, repealed.

Commencement and Continuance of this Act.

Part of Act 9 *Geo.* III. repealed.

And be it enacted by the Authority aforeſaid, That Edward Addenbrooke, John Arden, Lord Viſcount Bateman, the Honourable Richard Bateman, Bartholomew Richard Barneby, John Barneby, James Broome, Rowland Berkeley, Lucy Berkeley Clerk, Rowland Berkeley Clerk, William Burnam, William Barnes, William Blew, William Baylis, John Bickerton, John Browne, Thomas Bayly, Charles Baldwyn, Edward Burwall, Thomas Burwall, John Broome, Thoms Bury, Peter Broome, George Bayley, James Bennett, James Bennett junior, Sir Francis Charlton Baronet, Robert Job Charlton L. D. Sir John Colt Baronet, Clerk, John Cocks, Charles Cocks, Lewis Cruſius Clerk, Richard Chambers Clerk, Edward Clarke, Mathew Clarke Clerk, Thomas Colly, James Clutton, Digby Cotes Clerk, William Cook, William Cook the younger, Thomas Cook, Thomas Cornewall, James Bowman Clarke, Salway Cochran, Bryant Crowther, Edward Craſſall, Charles Cooke, Martin Coucher, Thomas Cowcher, Thomas Eginton Cecill, Thomas Dunne, Edward Downes, James Danſey, James Danſey the younger;

Truſtees. Names.

er, Robert Sweeting Danſey, John Davis Clerk, William Davis Clerk, William Davis, Richard Dowding, John Durbin, Thomas Deykin, William Duppa, John Dunlop, John Dobſon, William Dobſon, William Davis of Whitchurch, Thomas Derry, Nathaniel Derry, William Ellis, Nicholas Edwards, Thomas Foley, Thomas Foley the younger, Edward Foley, Andrew Foley, Sambrooke Freeman, John Freeman of Gaines, John Freeman the younger, John Freeman of Letton; Edward Freeman, John Freeman of Stanford Biſhop, John Fidoe, Benjamin Fallows, John Greenly, Richard Gorges, Thomas Griffith Clerk, Joſeph Gueſt Clerk, John Giles Clerk, Richard Gardiner, John Gardiner, John Grainger, John Godfrey, Thomas Gardiner, James Gardiner, Joſeph Gardiner, Thomas Goode, John Glaſſe Clerk, Walwyn Graves, Sir James Hereford Knight, Robert Harley, the Honourable and Reverend John Harley, the Right Honourable Thomas Harley, Richard Cope Hopton of Can Froome, Richard Cope Hopton, William Cope Hopton Clerk, Ralph Cope Hopton Clerk, Thomas Harris, Henry Harris, Thomas Harris, John Homes, Unett Hodges, Samuel Hodges, John Hales, Thomas Heming, Richard Heming, Thomas Heming the younger, Richard Heming the younger, George Hales, Anthony Hales, Philip Hoper, John Hayling, Richard Hooper, William Hudſon Clerk, Henry Hyde, Thomas Hollings, Robert Hathway, Thomas Johnes, Richard Jones, Philip Jones, John Jones, Thomas Jennings Clerk, John Ingram, Francis Ingram, James Johnſon, Anthony Kerry, Knight, Thomas King, Edmund Lechmere, Thomas Legge, John Landon Clerk, Nicholas Lechmere, James Lane, John Lawrence, Lacon Lambe, Lord Viſcount Meath in the Kingdom of Ireland, Philip Morris, Philip Morris the younger, Robert Moore, Robert Moore, the younger, Edmund Mawthill, James Wakeman Newport, Edward Nott, William Nott, Edmund Pytts, Jonathan Pytts, Samuel Pytts, Edward Pauncefort, James Peachy, Edward Powell, Samuel Pritchett Clerk, John Poſtans, Samuel Perkins, James Poole, James Pilliner, John Perſhouſe, Samuel Perſhouſe, John Proſſer, Daniel Pritchard, John Racſter, Richard Racſter, Johnſon Robinſon, John Scudamore, Richard Simons, Edward Shillingfleet Clerk, Edward Seward Clerk, John Seward, Richard Smith, Joſeph Severn, Francis Smith, George Sale, Daniel Stead, Thomas Stead, John Smith, Abraham Stephens, Salway, George Southall, Dormer Sheldon, Thomas Sheldon, Thomas Tomkyns, Richard Tomkyns Clerk, Packington George Tomkyns, Matthew Tombs, William

Tomes, Walter Taylor, Joseph Taylor Clerk, Thomas Taylor, George Terry, Henry Vaughan Clerk, William Vaston, Thomas Vernon, Sir Edward Winnington Baronet, James Walwyn, William West, Richard West, Humphry Wood, John Walker, John Ward, Thomas Watcham, John Williams, John White, William Wynne, James Wood, Thomas Wood, John Walker Clerk, Edward Winnington, George Winton, Thomas Wickins Clerk, William Whitcombe, Edward Whitcombe, Samuel Westwood, John Yapp, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, altering, turning, widening, repairing, and keeping in Repair all the said Roads comprised in the said Act of the Twenty-fifth of his said late Majesty, and likewise all the new or additional Roads herein before mentioned and described, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided nevertheless, 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 the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes; or possessed of a personal Estate of the Value of One thousand Pounds; or shall be Heir-apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Three hundred Pounds; and if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting, if unqualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of William Blew, known by the Sign of the Falcon, in the Town of Bromyard aforesaid, upon the First Monday in May One thousand seven hundred and seventy, and proceed to the Execution

tion of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to meet at such Time and Place as the said Trustees, or any Five or more of them, shall think most convenient; 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 on all the Turnpikes, which shall be erected upon or across the said Roads, 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 Twenty-first Day after the Day on which such last Meeting was appointed; 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, except as herein after is excepted; and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting, every Trustee composing such Majority not being personally interested in the Matter or Matters in Question, shall concur therein, and such Majority not being less than the Number of Trustees by this Act authorised to make such Order or Determination; nor shall such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made; nor unless the Person or Persons applying to revoke such Order or Determination shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen 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; and that no Person whatsoever shall act as a Trustee in any Case wherein he 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

Proceedings to be at Meetings only.

Exception.

No Trustee to accept of any Place of Profit.

Trustees in the Commission of the Peace may act as Justices.

Trustees not to act where interested.

Provided

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 Trustees shall appear, at the Time and Place appointed for any of the Meetings of Trustees 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 Two or more of the Trustees appointed to put this Act in Execution at any Time or Times, the Space of Fourteen 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 Roads, on that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be a sufficient Notice for any such Meeting.

Two Trustees sufficient for Adjournment.

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

And be it 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 or 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 Roads, at least Twenty-one 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 shall be respectively chosen, were vested with.

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

Notice thereof to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may continue or remove the Turnpikes already erected upon the said Roads, and cause to be erected any Turnpike or Turnpikes in, upon, or across any Part of the said respective Roads by the said Act of the Twenty-fifth Year of the Reign of His late Majesty, and this Act, directed and intended to be made and repaired; and also upon the Side or Sides of any of the said Roads, and across any Lane or Way leading into the

Trustees may remove and erect Turnpikes and Toll-houses,

same respectively, or into the said Town of Bromyard; and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike, and from Time to Time to remove or alter the same, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from Time to Time, appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; that to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair, drawn by Six Horses, the Sum of One Shilling and Sixpence; and drawn by Four Horses, the Sum of One Shilling; and drawn by less than Four Horses, Sixpence.

For every Horse, Mr, or Neat Cattle, drawing any Waggon, Wain, Cart, Car, or Carriage, the Sum of Four-pence Halfpenny.

For every Horse, Mule, or Ass, laden or not laden, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence per Score; and so in proportion for a greater or less Number.

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; 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, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harnels, or Accoutrements, or their Loading, or any Goods or Carriage upon which such Tolls are by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing

Distress may be sold after 4 Days.

seizing and distraining, shall and may sell the Horse or Horses, or Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, and their Loading, Carriages, Goods, or Chattels so seized and distrained, or any Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted; and that all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Exception to erecting Gates.

Provided always nevertheless, That no Gate or Turnpike shall be erected, or Toll taken by virtue of this Act, on any Part of the Road between a Place called the High House, in the Parish of Upper Sapey, where the Turnpike now stands, and the Direction Post in the Turnpike Road leading from Stanford to Tenbury; any thing herein contained to the contrary notwithstanding.

Tolls may be varied.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorised and impowered, from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the several Tolls hereby granted at any or either of the said Gates or Turnpikes, and to raise the same again; so as the same do not exceed the Tolls by this Act granted, and so as such Reduction be made with the Consent of the several Persons who shall be intitled to Two Third Parts at the least of the Money then due on the Credit of the said respective Tolls: But such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected cross the said Roads, at least Fourteen Days before making such Reduction; and such Tolls so lessened, varied, or altered, shall be collected, recovered, and applied in the same Manner, as the Tolls hereby granted are directed to be collected, recovered and applied.

Turnpikes &c. vested in the Trustees.

And be it further enacted, by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses already erected, or to be by virtue of this Act erected upon the said Roads, and the Right and Property of the Materials provided for building or repairing the same, and of all the Materials which shall be actually got or collected for repairing the said Roads, shall

shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring or cause to be brought, an Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take, or retain, or hold the Possession thereof, after being required, by the Order of any Five or more of the said Trustees, to deliver up the same.

Toll to be paid but once a Day.

Provided always, and be it further enacted, That no Person or Persons 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 Horse or Horses, Cattle or Carriage, through all or any of the Gates or Turnpikes erected or to be erected upon, near, or on the Sides of any of the said Roads by the said former Act and this Act directed to be made and repaired, or across any Lane or Way leading into the same, or into the said Town of Bromyard; but that all and every Person and Persons, after having paid Toll once as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horse or Horses, Cattle and Carriages, through the Gate or Turnpike at which any such Toll was paid, and also through all other Gates or Turnpikes continued or erected by virtue of this Act, upon producing a Note or Ticket denoting the Payment of such Toll, which Notes or Tickets the Collectors of any the said Tolls are hereby required to give gratis on Receipt of the Toll.

Unloaded Carriages paying Toll after 8 in the Evening,

Provided also, and be it further enacted by the Authority aforesaid, That any Waggon, Wain, Cart or Carriage, passing unloaded through any the Gate or Gates, Turnpike or Turnpikes whatsoever as aforesaid, at any Time after Eight of the Clock in the Evening, and paying Toll for the same, shall not be liable to pay any Toll the Day following at such Gate or Gates, Turnpike or Turnpikes, if the same Waggon, Wain, Cart, or Carriage return loaded with Lime, Coal, or Charcoal before Twelve of the Clock at Night.

not liable to Toll the next Day for Lime, Coal, or Charcoal.

Materials for Repair of the Road, exempted from Toll.

Provided always, and it is hereby declared, That no Tolls shall be demanded or taken for any Carriage employed in carrying Stone, Gravel, or other Materials

for

for repairing any of the said Roads, or for amending any of the Streets in the said Town of Bromyard, or for repairing the Turnpike Road leading from Clifton towards a Common called The Broad Heath; nor for Corn in the Straw, or Hay or Straw only, not sold or disposed of, but passing to be laid up in the Outhouses or upon the Land of the Owners thereof; or for Hops going to be dried only, or for any Plows, Harrows, or other Implements of Husbandry, or Mould, Ashes, Dung, Compost, or Manure, Lime excepted, used in improving Land belonging to the Owners or Occupiers of the Lands adjoining the said Roads; or for any Cattle or Horses going to and from Water or Pasture, or in order to be shod, cured or carried; nor for the Cattle or Carriage of any Person or Persons going to or returning from their Parish Church on a Sunday; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers on their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Hereford, during the Time of such Election, or on the Day before or after the same: 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, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on evading the Tolls,

And be it enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly interrupt or obstruct any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or otherwise in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons any Ticket or Tickets with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall

or obstructing Collectors.

take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or, having passed through any of the Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place lying by the Side of, or near to, either of the said Roads, the same not being a Publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a Publick Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Person, and every of them, so offending, shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law; and it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Goods belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premises, and then apply to any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of any one or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they shall or shall not appear before him, in the respective Penalties aforesaid; and for Nonpayment thereof, and of the Tolls that

Penalty may be levied by Distress.

shall

shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, or any Part thereof, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing, keeping, and selling the same, and of such Convictions; and after Payment thereof, to tender the Overplus of the Money arising by such Seizure, Distress and Sale, (if any there shall be) and what shall remain unsold, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls shall be levied and recovered by such Means, and in such Manner, as are hereinafter mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act.

Distress may be sold.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That so long as the Owners or Occupiers of the several Farms called Gains, Huntlands, Hammish Park, Elmores-end, and Warners, otherwise Elmoresend, and of a Tenement called Pipers, in the Parish of Whitburne, and situate near some Part of the Road from Bromyard to Herefordshire Lake, shall agree amongst themselves to amend, and shall, over and above all other Statute-duty, amend and keep in sufficient Repair, to be allowed of by the said Trustees, or any Five or more of them, so much of the said Road, within the said Parish of Whitburne, as lies between a Drain or Watercourse which crosses the said Road, from a Pool on the One Side thereof, to a Meadow in the Possession of John Howles on the other Side thereof, and the said Place called Herefordshire Lake, where the said Road joins the Worcester Turnpike Road; they the said Owners and Occupiers, and their respective Servants, and every of them, shall and may, from Time to Time, and at all Times, go and pass with their Horses, Cattle, and Carriages, not being employed for Hire, through all Gates or Turnpikes which shall or may, at any Time during the Continuance of this Act, be continued, erected, or set up on, across, or on the Side of any Part of the said Road, in the said Parish of Whitburne, between the said Drain or Watercourse in Herefordshire Lake aforesaid, without being liable to the Payment of any or any Part of the Tolls

Particular Exemptions from Toll.

Tolls by this Act granted; any Thing herein contained to the contrary notwithstanding.

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 Seven or more of them, may, and are hereby impowered, at their first or any subsequent Meeting, to borrow, and take up at Interest, any Sum or Sums of Money upon the Credit of the Tolls, payable by virtue of this Act; and to assign over and convey the said respective 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 Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid; and 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 Treasurer of the said Trustees: But no Money shall be borrowed on the Credit of the said Tolls, after such first Meeting, unless Notice in Writing be for that Purpose fixed upon all the said Turnpikes, at least fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom such Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings uunder his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over, or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments shall be produced and notified to the said Clerk or Treasurer, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; which said Book shall and may at all seasonable Times be perused

Tolls may be assigned for Monies borrowed.

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

perused and inspected without any Fee or Reward; and, after such Entry made, such Assignment or Transfer shall entitle such Assignee, his, her and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in such Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment, to make void, release, or discharge the same, or any Monies thereon due.

Trustees exempted from Charges.

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.

Expences of this Act, &c. to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all Costs and Expences relative to procuring and passing this Act, out of any Monies which are or shall be in the Hands of the Treasurer to the said Trustees; and in case such Monies shall not be sufficient, then out of the first Tolls which shall be collected upon the said Roads, or out of the Money which shall be borrowed upon the Credit of, or raised by virtue of this Act.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, upon Fourteen Days Notice in Writing being affixed upon the several Turnpikes for that Purpose, to let or farm by the Year the Tolls to be taken at any or either of the Turnpikes by virtue of this Act to be continued or erected, to any Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Sums that can be got for the same; provided such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively, and the Trustees that let the same, and be not made for more than Three Years at a Time; and that the Monies that shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid to the said Trustees by monthly Payments; and that the Person or Persons to whom the Tolls shall be so let, shall always pay down one Month's Rent in Advance; and if any Letting, or Agree-

ment for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void; and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them by the same Means, and in the same Manner, as are by this Act directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons and unaccounted for or unpaid, and for levying and recovering the same upon and of them.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more them, may and are hereby impowered, from Time to Time, by Writing under their Hands to continue or appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper; and from Time to Time to remove such Officer or Officers, and appoint others in their Stead; and by and out of the Monies that shall be raised by virtue of this Act, may, and are hereby impowered to appoint, and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in repairing, widening, or altering the said Roads, or otherwise putting the Powers by this Act given in Execution, as they shall think reasonable; provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; 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 remove them, and appoint others.

Trustees to allow Officers Salaries.

And

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons, shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively received by virtue of the said former Act, or of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer, verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty-one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of the said former or of this Act; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint: Then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall be and reside, such Justices may, and are hereby authorised and required, by a Warrant or Warrants under their

Officers to account upon Oath.

Officers refusing to account,

their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before them, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justices may, and are hereby authorised and required, upon nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found, sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, then, and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol of the County, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make); or until he 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.

Justices to commit the Offender, untill Payment or Composition made.

Provided always, That when 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 for the said Roads, or any

Surveyors may dig Gravel, &c. from

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 the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence 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 Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any, or either of them, concerning such Damages as aforesaid; the Justices of the Peace at their next General Quarter Sessions, to be holden in and for the County wherein such Difference shall arise, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers; or by the said Owner or Occupier, Owners 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

Waste Grounds,

without paying for the same,

levelling the Pits;

or from private Grounds,

making Satisfaction to the Owners.

Justices to determine Differences.

hear, settle and determine the Matter of such Damages, and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

To prevent Annoyances.

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 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 Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Persons occasioning such Annoyances, or the Owners or Occupiers of the Premises respectively, shall neglect to remove such Annoyances, or to turn such Watercourses, Sinks, or Drains, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, 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 Fourteen 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, Shrubs, or Bushes growing in the said Roads, 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 said Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Forty Days next after Notice in Writing given for that Purpose to such Owners or Occupiers, or to be left at the Capital or Mansion House belonging to the Land on which the same shall stand, under the Hands of Five of the said Trustees; the Charges of all which respective Purposes (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such

Persons,

Persons, 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.

For making Causeways.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, 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 in the said Roads, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Park, 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 public Highway, whilst the old Road is repairing or widening; and also, by Order of any Five 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 Roads, 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 Common, Wood, or Waste Ground.

and Bridges.

Penalty on interrupting Surveyor in his Duty.

And be it enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, taking, or carrying of any Furze, Heath, Sand, Gravel, Stones, or other Materials for the altering, widening, or repairing the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying away 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,

widening, or altering the said Roads 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 Thirty Shillings.

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

And be it further enacted by the Authority aforesaid, That all Bodies Politic and Corporate, 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 Roads by this Act intended to be repaired, or either of them, 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 repairing thereof, as they respectively before were or was liable to do or pay.

Inhabitants to perform Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places extraparochial, through which the Roads by this Act intended to be repaired, or either of them, do or doth lead, shall yearly and every Year do Three Days Statute-work or Duty in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, and Places extraparochial respectively, and in such Places thereof, at such Times, 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, or either of them, shall for those Purposes direct and appoint, and shall with their Teams and Servants, or otherwise as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then some or one of the principal Inhabitants of the said Parishes, Hamlets, and Places extraparochial respectively, shall yearly within the Space of Six Days next after Notice in Writing to him or them respectively for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor 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, and Places extraparochial respectively; and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy

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 to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets, and Places extraparochial, shall refuse or neglect to do their respective Statute-work on the said Roads, 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 for every Team; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Sixpence; and if any or either of the said Parish Surveyors, or principal Inhabitants of the said Parishes, Hamlets, or Places extraparochial 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 herein before for those Purposes mentioned, every such Surveyor and Inhabitant shall for every such Neglect or Offence forfeit the Sum of Forty Shillings.

Trustees may compound with Parishes, &c. 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 Parishes, Hamlets, or Places extraparochial, through which the Roads by this Act intended to be repaired do lead, for the Statute-work and Labour by them respectively by virtue of this Act to be done in the said respective Roads in every Year; the several Sums of Money, at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Compositions.

Roads may be widened.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways; then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from Time to Time to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides

Land to be purchased.

of, or near to, any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for widening, turning or altering any Part or Parts of the said Roads, and to pay for the same Lands and Hereditaments respectively by and out of the Tolls and other Monies that by virtue of this Act shall be raised on the respective Roads, for the widening, turning, or altering of which such Lands or Hereditaments shall be so respectively purchased; 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 Testique 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 or Hereditaments, and of their respective Estates and Interest 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 to all Intents and Purposes whatsoever.

Bodies Politick, &c. may agree with Trustees for Sale of Lands.

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, or other Person or Persons whomsoever, intitled to, or interested in any Lands or Hereditaments which the Trustees appointed or to be appointed by virtue of this Act, or any Nine or more of them, shall think necessary to be purchased for the widening, turning, or altering any Part of the Roads by this Act intended to be repaired, or any Part thereof, shall upon Application to them, or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of any such Lands or Hereditaments; or if, by reason of their or any of their Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to or treated with for that Purpose; or, if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may and are hereby

On Refusal, &c. to treat,

hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impannel, summon, and return a Jury of Twenty-four honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Price and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff or his Deputy is hereby required to impannel, summon, and return the said Jury accordingly, giving to each Juryman at least Four Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing under their Hands to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at the last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Natures, Situation, and Quantities of such Lands or Hereditaments, and the Time when, and Place where the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire, by Twelve or more of the said Jurors on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy, shall return other like Persons of the Bystanders, or that may conveniently be had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges; and the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in charge to the said Jury that shall be sworn, may and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and, if needful and required,

to

to cause the Jury sworn to view the said Lands of Hereditaments, and to take such other Measures to inform themselves and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury being so informed, shall by their Verdict assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in charge to inquire of; and the said Trustees, or such Five or more of them, as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Finding of the Juries, and Judgements of the Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof: And if any such Sheriff, or his Deputy, shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premises; or if any Juryman so summoned as aforesaid shall not appear, or appearing shall refuse to be sworn, or if sworn shall not find his Verdict concerning the Matters that shall be given him in Charge; or if any Witness, being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing shall refuse to be sworn, and thereupon to give Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

Jury to assess the Value.

Penalty on Sheriff, &c. making Default.

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments that shall be purchased by virtue of this Act, and the Memorials of all the Verdicts of Juries and Judgements of the Trustees concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie; and that after the Execution of such Conveyances, and giving such Judgements

Proceedings to be entered in a Book.

ments of the Truſtees; and after Payment or Tender of the Conſideration Monies mentioned in ſuch Conveyances, or of the Monies aſſeſſed and adjudged to be the Values of any Lands, the Values whereof ſhall be aſſeſſed and aſcertained by any Jury or Juries, to the Perſon or Perſons entitled to the ſame; or in caſe of Want of Opportunity to tender, or of Refuſal to accept the ſaid Monies when tendered; then, on leaving the ſame with the ſaid Clerk of the Peace, or his Deputy, for the Uſe or Uſes of the Perſon or Perſons entitled thereto, it ſhall be lawful for the ſaid Truſtees to enter upon the ſaid Lands and Hereditaments, and the ſame to add or turn into a Highway; and the ſaid Lands and Hereditaments ſhall from thenceforth for ever afterwards be deemed, taken, and uſed as a publick Highway or publick Highways; and ſhall be repaired and kept in the ſame Manner, and by the ſame Means and Powers as the Roads by this Act intended to be repaired are hereby directed ſo to be; and after any ſuch new Road ſhall be completed, the Lands conſtituting the former Road, unleſs the ſame leads to ſome Village, Town, or private Lands, to which ſuch new Road doth not lead, ſhall be and are hereby veſted in, and may be exchanged or ſold, and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied in ſuch Manner as the ſaid Tolls are hereby directed to be applied.

Lands purchaſed to be deemed a publick Highway, and kept in Repair as ſuch.

Old Road may be ſold.

Provided always, and it is hereby further enacted and declared by the Authority aforeſaid, That the Powers and Authorities given to the ſaid Truſtees as aforeſaid ſhall not extend to the pulling down any Dwelling-houſe or other Building, or taking in the Scite of any Houſe or other Building, or to take in any Garden, Yard, Park, Paddock, planted Walk or Avenue to a Houſe; any Thing herein contained to the Contrary notwithſtanding.

Power of Truſtees not to extend to pull down Dwelling-houſes, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads any Tree or Piece of Timber, or any Stone, otherwiſe than on Wheel-carriages, or ſhall ſuffer any Part of any Tree, or Piece of Timber or Stone, which ſhall be conveyed upon Wheel-carriages, to drag upon any Part of ſuch Roads, to the Prejudice thereof; or ſhall wilfully drive any loaded Waggon, Wain, or Cart along any Foot or Horſe Cauſeway, being on, or lying

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

near or adjoining to the said Roads; or shall shovel up, take, or carry away any Stone, Gravel, Sand, or Soil, from off, or on the Sides of such Roads, or such Causeway as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways, to the Annoyance or Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

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, before Midsummer One thousand seven hundred and seventy-one, to cause Stones or Posts to be erected or set up on the Sides of the said Roads, at the Space of one Mile distant from each other, with Inscritions thereon, denoting the Distance of each of the said Stones or Posts, from some Town or Place, as they shall think fit; and 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; whereof One Moiety 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 Forfeitures, by this Act imposed, are hereby directed to be applied.

Penalty on injuring them.

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 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 Perion or Persons before him, or some other Justice of the Peace of the said County or Place,

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 so left Three clear 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 inquire 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 and 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 shall be, after Payment of such Penalties and Forfeitures, and the Charges of such 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 apprehending and taking such Offender or Offenders, and for committing him or them to the common Gaol 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 or 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; 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 or Forfeitures and Charges.

Application of Monies.

And be it 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 such Parts of the said Roads, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Persons aggrieved, may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Act, Order, Conviction, Judgement or Determination of any Justice or Justices, that shall be done or made, by virtue of this Act, and not herein declared to be final, 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 the Matter shall arise, after such Act, Order, Conviction, Judgement or Determination shall be done or made, upon Eight clear Days Notice thereof, in Writing, if so many before the said next Sessions, being given by such Person to any Surveyor or Collector of the Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement or Determination shall be so made; 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 Judgement 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 said 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 and recovered by Distress and Sale of the Goods and Chattels, and by Commitment of the Offender, by 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.

Determination of Justices to be final.

Provided

Proceedings not to be quashed for want of Form;

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.

nor removable by *Certiorari*.

Proceedings to be entered in Books.

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.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, relating to the Execution of or in pursuance of this Act, shall be 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 Eight clear 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 shall be laid and tried in the County where the Cause of such Action shall arise; 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

General Issue.

the Expiration of Eight clear Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next 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 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.

Proceedings not to be deemed unlawful for want of Form;

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 or 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.

nor the Party be deemed a Trespasser *ab initio*, for subsequent Irregularity.

Publick Act.

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

FINIS.