Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Roads from the Borough of *Bury Saint Edmunds*, to the Town of *New Market*, in the Counties of *Suffolk* and *Cambridge*; and from the South End of the *Ferry Street* in *Brandon*, to *Bury Saint Edmunds*, in the said County of *Suffolk*.

Preamble.

WHEREAS the Roads leading from the Borough of Bury Saint Edmunds, to the Town of Newmarket, in the Counties of Suffolk and Cambridge, and from the South End of the Ferry Street in Brandon, to Bury Saint Edmunds, in the said County of Suffolk, are in a ruinous Condition, and, in many Places, narrow and incommodious, and cannot be effectually repaired and widened without the Aid of Parliament; May it therefore please your Majesty that it may be enacted: and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That John Affleck, Gilbert Affleck, Nathaniel Lee Acton, Thomas Arnold, Sir Thomas Charles Bunbury Baronet, Patrick Blake, Henry Bunbury, Thomas Le Blanc, John Bullen, Joseph Blatch, Philip Bacon, George Barlow, Marcon Braham,

Trustees Names.

ham, William Brand, Thomas Ball Clerk, John Brewſter, Jabez Bethell, Richard Brewſter, Woodward Bidwell, John Brundiſh Clerk, John Booty, Sir John Cullum Baronet, William Croftes, Richard Croftes, James Calthorpe, Edward Coldham, Thomas Cockſedge, John Cullum Clerk, John Croſbie, John Cumberland, John Cumberland the younger, Jonathan Carter Clerk, Thomas Gery Cullum, George Clarke, Martin Cockſedge, John Cooper, Sir Charles Davers Baronet, Ambroſe Dickins, John Deave, Oſbert Denton, Oſbert Denton the younger, Samuel Denton, Thomas Edgar the younger, the Honourable Charles Fitz Roy, Martin Folkes, William Fyſon, Alexander Falconer, Sir Thomas Gage Baronet, John Godbold, Thomas Garnham, John Gee Clerk, Thomas Gough Clerk, Daniel Gwilt, Thomas Garnham the younger, William Greaves Clerk, John Gill, Thomas Garner, the Honourable Auguſtus John Harvey, Rowland Holt, Thomas Holt, Walden Hanmer, James Holman, Frederick Hollingworth, Edward Hervey, Samuel Horſey, Samuel Harriſon, Pell Heigham, Samuel Huſtler, James Harris Clerk, Robert Hayward, William Holmes, Thomas Harvey, John Isaacſon, the Honourable Auguſtus Keppel, Charles Kent, John Lock, Thomas Lord Clerk, Carteret Leathes, John Leathes, Nicholas Leheup, Charles Le Grice, Hutchiſon Mure, Robert Mure, William Moſeley, Chriſtopher Metcaffe, Criſp Molineux, William Metcalfe, John Mills, William Mano, William Mano the younger, Thomas Morley, Barnard Mills D. D. Joſeph Maulkin, James Mingay, James Mathew, Thomas John Medlycot, John Thomas Medlycot, James Metcalfe, Robert Nunn, Edward Norman, William Ottley, William Ottley the younger, Charles Ogilvy, James Oakes, Thomas Panton, Thomas Panton the younger, Samuel Pocklington, John Pytches, John Pytches the younger, Jeremy Punchard, Aſhley Palmer, George Prettyman, Roger Prickel, Jeremiah Payne the younger, Robert Quince, Barham Ruſhbrooke, Richard Ray, William Robards, Thomas Robinſon, Thomas Robinſon the younger, George Rogers Clerk, Edward Robinſon, Sir Robert Smith Baronet, John Symonds, John Swale, Thomas Swale, Thomas Symonds, Michael Smith D. D. Henry Soame Clerk, Gregory Sparks, John Scotchmer, John Smith, the Honourable Henry Frederick Thynne, Clement Tookie Clerk, Edward Tomſon, Francis John Tyſſen, Francis Tyſſen, John Wenyeve, Neale Ward, Waller Wright, Frederick Wollaſton Clerk, John Warren Clerk, Henry Wright, William Wollaſton, Nicholas Wakeham Clerk, James Ward, Thomas Wright, and Robert Walpole the younger, ſhall be, and are hereby appointed

Trustees, for the more effectual amending, turning, altering, and keeping in Repair the said Roads, and for putting this Act in Execution.

Qualification of Trustees.

Provided always, 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 Messuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of One hundred Pounds; or shall be Heir Apparent of some Person having such an Estate, of the clear yearly Value of Two hundred Pounds; or be possessed of a Personal Estate to the Amount of One thousand five hundred Pounds: And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act; every such Person shall, for every such Offence, forfeit and pay the Sum of One hundred 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 the First Meeting of the Trustees.

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 Guildhall in the Borough of Bury Saint Edmunds aforesaid, on that Day Six Weeks next after the passing of this Act, and shall then proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place or Places near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as they shall think necessary, for putting this Act in Execution; and that, during the Continuance of this Act, there shall be One General Meeting on the Second Thursday in the Month of June in every Year, at such Place as the said Trustees, or any Five or more of them, shall appoint: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Trustee or Trustees then present, or their Clerk (in case there shall be no Trustee present) shall, from Time to Time, as often as such Case shall happen, by Notice in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected upon the

Annual General Meeting.

In default of a sufficient Number of Trustees to act, Clerk may adjourn.

said Roads, at least Four Days before the next Meeting, and also by Advertisements in the Ipswich and Norwich Papers at least Fourteen Days previous to such intended Meetings, appoint the Trustees to meet at the House or Place where the last Meeting was appointed to have been held, or at any other Place on or near the said Roads, on that Day Month next after the Day on which such last Meeting was appointed to have been held; and the said Trustees, at all their Meetings, shall defray their own Expences: And all Orders and Determinations of the said Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall be Nine at the least; and unless the Person or Persons applying to revoke or alter such Order, shall give Notice to the Clerk of the said Trustees, by him to be fixed on all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for that Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time that he shall hold any Place of Profit under this Act.

No Order to be revoked, unless Nine Trustees be present.

Trustees may act as Justices.

Provided always, That any of the said Trustees may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees; except only in such Cases where they shall be personally interested.

Trustees may erect Turnpikes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected One or more Turnpike or Turnpikes, Toll gate or Toll-gates, in, upon, or across any Part or Parts of the said Roads; and also such Toll-house or Toll-houses, with suitable Outbuildings thereto, adjoining to or near the same, as to them shall seem requisite and expedient; and also may take in and inclose from the said Roads, or any Part or Parts thereof, convenient Garden Spots for each of the said Toll houses, as the said Trustees, or any Five or more of them, shall direct or appoint; and the Tolls following shall be demanded and taken at each of the said Turnpikes, by such Person or Persons as the said Trustees,

and take Tolls thereat;

Truſtees, or any Five or more of them, ſhall, from Time to Time, appoint to receive the ſame, before any Horſe, Beaſt, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

The Tolls.

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

For every Chaiſe and One Horſe, the Sum of Three-pence.

For every Coach, Machine, Landau, Berlin, Chariot, Chaiſe, or Calaſh, and Two Horſes, the Sum of Sixpence.

For every ſuch Carriage and Four Horſes, the Sum of Nine-pence.

For every ſuch Carriage and Six Horſes, the Sum of One Shilling.

For every Cart and One Horſe, the Sum of Two-pence.

For every Cart with more than One Horſe, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Six-pence.

For every Cart, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Four-pence.

For every Waggon, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, and not more than Four Horſes, the Sum of One Shilling.

For every Waggon, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of One Shilling.

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

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

Toll's veſted in Truſtees.

All which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and as a Toll; and the Money ſo to be raiſed and collected ſhall be and is hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is herein after mentioned; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, or any Part thereof, ſhall, after

Tolls may be levied by Diſtreſs.

ter Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage upon which any such Tolls are by this act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beast, Carriage, or Goods and Chattels, so seized and distrained, rendering the Overplus, if any, on Demand to the Owner thereof, after such Tolls, and all reasonable Charges thereof, shall be deducted.

Distress may be sold after 5 Days.

Saving to *Bury*, and *Ferry Street* in *Brandon*.

Provided always, That nothing herein contained shall extend to impower the said Trustees to erect any Gate or Turnpike within Eight Miles of the said Borough of Bury Saint Edmunds, or One Mile of the said Ferry-Street in Brandon.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, one or more Toll-gate or Toll gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and there to take and receive such Tolls as are hereby granted and made payable at any other Turnpike or Turnpikes, to be erected by virtue of this Act.

and take Tolls thereat.

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

And be it enacted by the Authority aforesaid, That the Right and Property of the several Turnpikes and Toll houses to be erected and provided by virtue of this Act, and of the Materials of which the same shall be built or consist, and also of all Materials which shall be collected for repairing the said Roads, shall be, and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered from Time to Time to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk, or to prefer, or order the preferring, of Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Expences of this Act to be first paid.

And be it enacted by the Authority aforesaid, That out of the Tolls to be collected, or Money to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all

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the Charges and Expences incurred in, and in relation to, procuring and passing this Act; and after all such Charges and Expences shall be paid and satisfied, all such Tolls and Money shall be applied in making, erecting, and repairing of Turnpikes and Toll-Houses, and repairing, widening, altering, turning, and keeping in Repair the said Roads, and in executing the several other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, assembled at a Meeting or Meetings to be held for that Purpose, and they are hereby impowered from Time to Time, with the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times, as the said Trustees, or any Nine or more of them shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Nine or more of them, may, from Time to Time direct the Tolls hereby granted or reduced as aforesaid, to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied and applied: But no Meeting shall be held for any of the Purposes aforesaid, unless fourteen Days previous Notice thereof, at the least, shall have been given in Writing affixed upon all the Gates or Turnpikes which shall have been erected upon the said Roads.

and raise them again.

14 Days Notice thereof to be given.

Tolls to be paid but once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person having Occasion to pass through any Turnpike erected upon the said Roads, who shall return through the same Turnpike on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, and who shall produce a Note or Ticket of the Day, denoting that the Toll was paid at such Turnpike (which Note or Ticket the said Collector or Collectors of the Tolls is and are hereby required to give gratis

on Receipt of the Toll) shall be liable to pay the said Toll more than once at the said Gate.

Trustees may compound with the Inhabitants, &c.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places near to or through which the Roads hereby directed to be repaired doth lead, for the passing of their Carriages or Cattle through all or any of the Turnpikes erected by virtue of this Act; which Composition-money shall be paid Twelve Months in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall be void; and all such Composition-money shall be applied only in such Manner as the Tolls are hereby directed to be applied.

Exemptions from Tolls.

And be it enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage, or for any Horse, Beast, or Cattle, laden only with, or going unladen for, or returning unladen, having on the same Day been laden only with Gravel, Stone, or other Materials, for repairing the said Roads, or any of the Roads in the several Townships in which the Roads hereby directed to be repaired, or any Part thereof, doth lie; or for Hay, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, Manure, or Lime, to be employed in Husbandry, and manuring and improving of the Lands, in the several Townships near to, or through which the said Roads, or any Part thereof, respectively lie; or who shall pass through any of the Turnpikes, on Sundays, to or from their proper Parish or Parochial Church, Chapel, or other Place of religious Worship, which they usually resort to; or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Horse, Cattle, or Sheep, going to or from Water or Pasture; or for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers upon their March, or for Waggons, Wains, Carts, and Carriages attending them; or for Horses, Carts, and Carriages, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs,

or

or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Suffolk or Cambridge, during the Time of such Election or Elections, or on the Day before or Day after such Election shall begin or be concluded: 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 so offending shall, for every such Offence, forfeit the Sum of Five Pounds.

5*l.* Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Beast, Cattle, or Carriage whatsoever, pass through any Land, Ground or Hereditament, adjoining to or lying near any Turnpike erected, or to be erected upon the said Roads, the same not being a publick Highway; or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Beast, Cattle or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof shall be evaded; or if any Person or Persons, shall give to, or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, or other Beast or Cattle, from any Carriage, whereby the Payment of any of the Tolls, or any Part thereof, shall be evaded; or shall leave or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Beast, or Cattle, with an Intent to evade the Payment of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Beast, Cattle, or Carriage; any Person so offending, in any of the Cases aforesaid, shall, for every Offence forfeit the Sum of Five Pounds; one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards amending the said Roads,

Penalty on Persons evading the Tolls.

And, in order to prevent Persons evading the Payment of such Tolls as ought to be paid, be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall authorise and appoint, shall and may erect or cause to be erected, all such Fences as shall be thought necessary upon any open Lands and Grounds, lying near or adjoining to the said Roads, or any of them.

Fences may be erected on Lands adjoining to the Roads.

And

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum or Sums of Money which they, or any Nine or more of them, shall think fit; and they, or any Nine or more of them, are hereby impowered, from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof, (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term or Number of Years during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be borrowed as aforesaid, and the Interest thereof; and Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept, for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice in Writing be for that Purpose affixed upon all the said Turnpikes erected upon the said Roads, at least Fourteen Days before the borrowing such Money; and all and every Person or Persons, to whom any such Mortgage or 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 by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money, both Principal and Interest, which shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Six Calendar Months next after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid such Sum or Sums of Money, not exceeding Five Shillings, as the said Trustees, or any Five or more

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Clerk's Fee.

more of them shall order and direct; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Toll in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Creditors to receive the Tolls, in case of Non-payment of the Money due to them, after Notice given.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance any Sum or Sums of Money on the Credit of the Tolls or Duties by this Act granted, or such Person or Persons to whom any such Loans become due and payable, shall at any Time be desirous to be repaid the Monies due to them, and shall deliver Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire of being repaid the same at any Publick House on the said Roads to be therein expressed, to the Clerk or Clerks of the said Trustees; then, and in such Case, unless the Principal and Interest due, and to grow due and payable on the Security of the said Tolls and Duties, shall be fully paid unto or tendered to such Creditor or Creditors, so signifying and delivering such Notice, within Three Calendar Months next after the Delivery thereof as aforesaid, at such Publick House upon the said Roads, to be expressed in such Notice as aforesaid, it shall and may be lawful to and for such Creditor or Creditors, to seize upon and take Possession of the Gates, Turnpikes, and Toll-houses, to be erected by virtue of this Act; and to receive and collect, or cause to be received and collected, by any, and all, and every the Ways and Means provided by this Act, the Tolls and Duties hereby granted; and to pay and apply the same in Payment and Satisfaction of the Principal and Interest Monies then due, and owing to such Creditor or Creditors, so taking Possession as aforesaid, together with all reasonable Charges accrued there-

by; any thing herein contained to the contrary thereof in any wise notwithstanding.

Trustees to elect Collectors and Surveyors. and may remove them, and appoint others;

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, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers and Persons as the said Trustees, or any Five or more of them, shall think necessary; and from Time to Time remove such Officers and other Persons, or any of them, and appoint others in their stead; and may, and are hereby authorised and impowered, out of the Monies arising by the Tolls aforesaid, to pay such Salaries, and make such Allowances to such Officers and other Persons, and also to any other Person or Persons who shall be assisting to them in or about repairing or widening the said Roads, or any Part thereof, as to the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect accounts in Writing, under their respective Hands, upon Oath (which Oath any One of the said Trustees is hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received by virtue of this Act, and how much thereof hath been been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall then appear to be in their or any of their Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid, or to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers and Writings

allowing them Salaries.

Officers to account upon Oath.

in

in his Custody or Power relating to the Execution of this Act; in all or any of the said Cases, it shall and may be lawful for any Two Justices of the Peace of the County or Place where the Offence shall be committed, to commit every such Offender to the Common Gaol of such County or Place where the Offence was committed, there to remain, without Bail or Mainprise, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, for the same, and shall have paid such Composition, in such Manner as the said Trustees, or any Five or more of them, shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive) or until he shall have delivered up such Books, Papers, and Writings aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Trustees to compound for Debts.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorised and required, to take such Security from their Treasurer or Treasurers, Collector or Collectors, or other Officer or Officers, 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.

Officers to give Security.

And be it further enacted, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

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

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof, as the Person he shall succeed was vested with, until the Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

On Death of Collectors others to be chosen.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors appointed, or to be appointed, or for any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, for that

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

that Purpose employed, to cut, dig, gather, take, and carry any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other Materials, proper for repairing the said Roads, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook in any Parish, Town, or Place, in, adjoining to, or lying near the said Roads, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any Thing for the same; and also by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Gravel, Stones, Chalk, Limestones, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from, or over the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards the repairing the said Roads; (such Lands, Fields, and Grounds, or any of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, now planted with any Avenue of Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials, gotten in any Waste Ground, Common, River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; they the said Trustees, or Surveyors, causing the Pits to be filled up, and the Ground to be levelled, from which such Materials shall be so taken, or otherwise sufficiently fenced in and secured.

without paying for the same;

or from private Grounds,

making Satisfaction to the Owners,

and levelling the Pits.

Penalty on taking away Materials for repairing the Road.

Provided always, and be it enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of repairing the said Roads; or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Twenty-one Days; except the Owner or Occupier of any private Ground, and Persons authorised by such Owner or Occupier,

Occupier, to get Materials therein for his own private Use only, and not for Sale; every Person so offending shall forfeit, for every such Offence, any Sum not exceeding the Sum of Five Pounds.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and are hereby authorised and impowered, they the said Surveyor or Surveyors, or other Persons having an Order under the Hands of the said Trustees, or any Five or more of them, for such Purposes respectively, to make or cause to made, any Causeway or Causeways in or along the Side or Sides of any Part of the said Roads; and shall and may erect and build Bridges or Arches of Brick, Stone, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall and may dig and cut, or cause to be digged and cut, any Drains or Watercourses, through or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damage they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

erect Bridges, &c.

making Satisfaction to the Owners.

Surveyors may remove Annoyances.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said Trustees, or any Five or more of them, from Time to Time, to remove and carry away all Annoyances, by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the said Roads, and to cut down, lop, or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down, lop or top such Trees or Bushes, or to remove such other Annoyances, for the Space of Twenty-one Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case such Owners or Occupiers shall not,

Surveyors to be reimbursed their Charges.

on Demand, pay and reimburse to the said 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 of any Justice of the Peace for the County or Place where such 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 after Deduction of the Charges thereby occasioned, to the Owner or Owners thereof, on Demand; and if, after Removal of any of the said Annoyances, such Person or Persons shall again offend in the like Manner; or if any Person or Persons shall set or place any Waggon, Wain, Cart, or Carriage, so as any ways to obstruct the free Passage on any Part or Parts of the said Roads, every Person offending in any of the Cases aforesaid, and being thereof convicted upon Oath, before any Justice of the Peace for the said County or Place where such Offence shall be committed, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Charges to be levied by Distress.

Penalty on subsequent Offence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying in or over, or leading into or out of the said Roads, or any Part thereof, shall not, in a proper Manner, scour or cleanse such Ditches, Drains, or Watercourses, or cause the same to be done, within the Space of Twenty-one Days 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 Order of the said Trustees, or any Five or more of them; the said Surveyor or Surveyors of the said Roads may, and is and are hereby authorised and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the said Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the 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 as aforesaid, by the Oath

Owners, &c. neglecting to do the same after Notice,

Surveyors may cleanse the same,

Oath of One or more Witness or Witnesses, before any Two Justices of the Peace for the County or Place where the Offence shall be committed, shall and may, and they are hereby authorised and impowered, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons who ought to pay the same, rendering the Overplus, if any be after deducting the Charges thereby occasioned, to the Owner or Owners thereof, upon Demand. and levy the Charges by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as shall or may be appointed, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, Ditches, and Drains, through any Grounds lying contiguous to the said Roads; and to erect and keep in Repair, Arches of Brick, Timber, or Stone, or with Brick and Stone thereupon, and to divert and turn the said Roads, or any Part or Parts thereof, over any Lands, Commons, Woods, or Waste Grounds, contiguous or adjoining thereto; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending the said Roads, and keeping the same in good Repair; and also to make a Road or Way through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired, (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to a House, Plantation or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, narrow, or ruinous Road is repairing or widening, and until the last mentioned Road shall be made convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground through or over which any such Drain or Drains, or on which any such Arch or Arches, Bridge or Bridges, or through, over, and along which any such occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, at their next General Quarter-sessions of the Peace to be holden for the County, Division, or Place, within which such temporary

Surveyors may make Causeways, &c.

erect Bridges,

cut Trenches,

and make a temporary Road;

making Satisfaction to the Owners.

temporary Road shall be turned, or where any such Drain or Drains, Ditch or Ditches, shall be cut or made, or where such Arch or Arches, Causeway or Causeways shall be respectively erected or made, in case any Difference shall arise, between the said Trustees and such Owners and Occupiers respectively, concerning the same.

If Road diverted, Inhabitants not liable to Repair thereof.

Provided always, That in case the ancient or former Way over any Common, Wood, or Waste Ground, shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish, wherein the old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to or from some Village, Town or Place, with which the new Road doth not communicate.

40 s. Penalty on interrupting Officers, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder any Turnpike Surveyor, or other Person or Persons employed by them or any of them, or by the said Trustees, or any Five or more of them, in the cutting, digging, taking or carrying off any Furze, Heath, Stones, Gravel, Chalk, Lime Stones, Sand, Flints, or other Materials for the altering, widening or repairing the said Roads, or any Part or Parts thereof; or in topping, lopping, cutting down or removing any Trees or Bushes as aforesaid; or in digging, cleansing, or scouring any Ditch, Drain, or Watercourse; or in doing any other Act in or for the repairing, widening or altering the said Roads, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Road may be turned over Waste Ground without making Satisfactisfaction;

and over private Grounds, making Satisfaction.

Trustees may contract for the Purchase of Lands, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby authorised and impowered, from Time to Time to divert, turn, or alter the Course or Path of any Part or Parts of the said Roads, through or over any Common or open Heath, Wood, or Waste Grounds, without making any Satisfaction for the same; and also through or over any several or private Grounds or Hereditaments, first making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to treat, contract, and agree with the Owners of, and Persons interested in any such last-mentioned Lands or Hereditaments, either for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested therein, or any of them, shall

or

or may any-ways sustain by such widening, turning, diverting, or altering the Course or Path of any Part of such Roads: And it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trusts; and for all and every Person and Persons whomsoever, who are or shall be seised, possessed or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid; or to sell and convey to them, or any Nine or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politic, 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 of or in pursuance of this Act.

On Refusal to treat, Jury to ascertain the Damage;

And be it further enacted by the Authority aforesaid, That in case any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so intended to be taken in and added to the said Roads, or over which such Road is to be turned or altered as aforesaid, shall, by the Space of Thirty 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 of the Cases aforesaid, the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County or Place in which such Lands or Grounds so to be taken in do lie (which Oaths

any One or more of the said Trustees is and are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers or Proprietors, or other Person or Persons interested for or upon account of taking of such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Roads into or over the same; and, in order thereto, the said Trustees, or any Nine or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be and 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 and proper to be examined as a Witness or Witnesses, touching or concerning the Premises (which Oath any One of the said Trustees is hereby also impowered to administer); and they shall also order and cause the said Jury to view the Places in question, if there shall 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 Nine or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Tail General or Special, Reversion, Remainder, or otherwise, their Heirs or Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby 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

Witnesses may be examined upon Oath.

Verdict to be final.

returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in do lie, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; and the 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 Nine or more of them, shall swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve, or such other Number as such Sheriff, or his Deputy or Deputies, shall find necessary for the Purposes aforesaid; 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 Nine or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn, or being sworn shall refuse to be examined and give Evidence; and from Time to Time to levy and apply such Fine or Fines, in the same Manner as any other Forfeiture or Penalty, herein before mentioned, is hereby directed to be levied and applied; so as no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor more than the Sum of Five Pounds upon any other Person for One Offence.

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

Penalty on Sheriff, &c. making Default.

Fines not to exceed 10*l.* and 5*l.*

And

Consideration Money to be paid out of the Tolls.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Money to be borrowed on the Credit thereof, to the Party or Persons respectively intitled thereto, or to their Agent; and upon Payment thereof, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Parties or Persons, and after Twenty-one Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Nine or more of them, shall direct; and shall be by them, or such Person or Persons as they, or any Nine or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and shall, to all Intents and Purposes whatsoever, become and be, and be from thenceforth deemed and taken to be a common Highway, and be Part of the said Roads for ever after; and shall be repaired, and kept in Repair in such Manner as the said Roads hereby appointed to be repaired and widened, are by this or any Law to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Heredita-

Old Road may be sold.

ments; and after any such new Road shall be completed, the Lands constituting the old or former Road, unless the same shall lead to or from some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Roads hereby intended to be repaired; and the Person or Persons over whose Lands or Hereditaments such new Road shall be made, shall have the Preference in the Purchase of the old Road so to be sold; and the Sale or Conveyance or Conveyances to be made of such old Roads, Lands, or Grounds, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the County where such Lands or Grounds do lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be prejudiced.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted

ed Walk, or Avenue to a House, or Plantation, or Nursery now planted with Trees.

Provided always, That the Lords of the respective Manors of the Lands and Grounds wherein such old Road did lie, shall have the same Interest and Property in such new Road as they were possessed of or intitled to in the old or former Road, in lieu whereof such new Road shall be made. Saving to Lords of Manors.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing any Lands, Grounds, or Hereditaments, wherein he shall be concerned or interested. Trustees not to act where interested.

And be it enacted by the Authority aforesaid, That in case any Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons whomsoever, who now are, or at any Time have been liable or chargeable towards repairing any Bridge or Bridges built across, near to, or adjoining to the said Roads, or any Part thereof, shall still remain liable and chargeable to such Repairs, in such Manner as they were before the passing of this Act. Persons, &c. liable to repair the Roads and Bridges, to continue so.

And be it enacted by the Authority aforesaid, That the Surveyors of the Highways for the respective Townships and Places in which any Part of the said Roads do lie, or in case no Surveyor is or shall be appointed, then the Churchwardens and Overseers of the Poor of such Townships or Places, shall yearly and every Year, within Fourteen Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to the said Trustees, deliver to such Surveyor or Surveyors, an exact Account in Writing, under his, her, or their Hand or Hands, of the Christian and Surname of every Person, who within such respective Townships or Places are obliged by Law to do Statute-work for that Year, with Teams, Draughts, or otherwise; and also the Number of Days Work which each Person ought to do on the said Roads, in such Townships and Places respectively; Part of which said Statute-work, not exceeding Three Days for each Person (the Trustees having Regard to the other Highways within such Townships or Places) shall be done at such Times, and in such Manner, and on such Parts of the said Roads hereby directed to be repaired, as the said Trustees, or any Five or more of them, shall, from Time to Time, direct and appoint; and that the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships or Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

Places respectively, within Seven Days after Notice given to him, her, or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid he would have to do such their respective Statute-work upon any Part or Parts of the said Roads, shall give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town-ship or Place, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer of the Poor, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Twenty Shillings; and every Person keeping a Team or Teams as aforesaid, who shall, after such publick Notice as aforesaid, neglect or refuse to send his or her Team or Teams, with such Horses or Beasts of Draught as he or she usually employs, with a proper Person to attend the same, to perform such their respective Days Work on the said Roads, in such Manner as the said Turnpike Surveyor shall direct, shall forfeit the Sum of Ten Shillings for every Day he or she shall make such Default; and every Labourer, or other Person liable to perform Statute-work on the said Roads, who shall neglect or refuse after such Notice as aforesaid, shall forfeit the Sum of One Shilling and Sixpence for every Day such Labourer or other Person shall make Default; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer or with a Team on the said Roads, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Penalty on neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

Labourers found idle, to be turned off.

Trustees may compound for Satute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound for any Term not exceeding One Year, with the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also it shall

shall be lawful for the Churchwardens, Overseers of the Poor, and Surveyors of the said Townships or Places respectively, to compound or agree for any Term not exceeding One Year, with the Trustees, or any Five or more of them, for and in lieu of the Statute-work which ought to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-money shall be paid in Advance, from Time to Time, and shall be applied in the Repair of the said Roads; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways: Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in the Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers of the said Trustees; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

Books may be perused.

Provided always, and be it enacted by the Authority aforesaid, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending any Part or Parts of the Roads by this Act to be repaired; such Lands, Tenements, and Hereditaments, and such Rents and Profits issuing out of any Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, Rents and Profits of Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repair of the said Roads, to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for any Justice of the Peace for the County where such Lands, Tenements, or Hereditaments do lie, by Warrant under his Hand and Seal; to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; together with the Charges of such Distress and

Lands, &c. chargeable to the Repair of the Roads, to continue so.

and Sale; and such Rents and Profits, when recovered and received, shall be applied, from Time to Time, for and towards the Repair of the said Roads, and to no other Use or Purpose whatsoever.

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 are hereby impowered and required, before the First Day of November next ensuing, to cause the said Roads to be measured, and Stones or Posts to be set up on the Sides of the said Roads, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and may also, if they think fit, erect Posts at the several Roads leading out of the said Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead: And if any Person or Persons shall wilfully or designedly break, pull down, dig up, injure, or destroy, any of the Stones or Posts which shall be so fixed and set up, or erase, obliterate, or deface any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, or defaced, or pulled down, digged up, injured, or destroyed; to be levied by Distress and Sale of the Goods and Chattels of such Offenders, by Warrant under the Hand and Seal, or Hands and Seals of any Justice or Justices of the Peace for the County or Place where such Offence shall be committed, together with the Charges of such Distress and Sale, rendering to such Offender or Offenders the Overplus thereof; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be applied towards repairing the Stones or Posts so broken, pulled down, digged up, obliterated, injured, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads; and in case the said Penalty shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice or Justices of the Peace for the County or Place where such Offence shall be committed, to commit such Person or Persons to the House of Correction or Common Gaol, there to remain for any Time not exceeding One Month, or until he shall have paid the said Penalty.

Penalty on defacing Mile-stones.

Penalty may be levied by Distress.

For want of Distress, Offender to be committed.

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 (Mill Stones excepted) otherwise than upon Wheel-carriages; or shall suffer any Part of any Tree, or Piece of Timber, which shall be conveyed upon Wheel-carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

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

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act inflicted, or authorised to be imposed, the Manner of levying and recovering whereof is not otherwise particularly or fully and effectually directed, shall, upon Proof of the Offences respectively, before any One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of such Justice or Justices of the Peace (which Warrant or Warrants such Justice or Justices is and are hereby authorised and required to grant for those Purposes, and also to administer such Oath gratis) and the Overplus, after such Penalties are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels: And all such Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall, from Time to Time, be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers for the Time being, and shall be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for the said Justice or Justices of of the Peace, or any other Justice or Justices of the Peace for the County or Place where the Offence shall be committed, 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 cause such Offender or Offenders to be committed to the House of Correction or Common Gaol for the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Three

Penalties and Forfeitures how to be recovered and applied.

Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; videlicet,

Form of Conviction.

BE it remembered, That on the in the Year of our Lord One thousand seven hundred and *A B* is convicted before me *C D*, one of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*].

Given under my Hand and Seal, the Day and Year aforesaid.

Accounts to be made up annually.

And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers for the Time being to the said Trustees, shall make up a true and perfect Account in Writing, of the Monies received and disbursed by him or them, to the First Day of June in every Year; and deliver the same to the said Trustees, or any Five or more of them, within One Week next after the said First Day of June yearly.

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

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or to be hereafter elected by virtue hereof, shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect and appoint one other Person a Trustee, in the Room of the Trustee so dying 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 upon all the Gates or Turnpikes in or upon the said Roads, at least Fourteen Days before any such Meeting; and all Persons who shall be so elected and appointed, are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

tice thereof be given.

Persons aggrieved may appeal to the Quarter-sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing don:

done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Six Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace for the County where the Matter or Thing shall be done, for or by reason of which such Complaint shall have arisen; such Appellant first giving, or causing to be given, Fourteen Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Fourteen Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County or Place, with sufficient Sureties, conditioned to try such Appeal, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall proceed to hear, and finally determine, the Causes and Matters of such Appeals, in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Notice of Appeal to be given.

Recognizance to be entered into, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall, for that Purpose, authorise or appoint, are hereby impowered to contract with any Person or Persons for repairing, widening, or altering the said Roads, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, or any other necessary Works relating thereto, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper: And all Contracts in Writing entered into pursuant to any Order made by the said Trustees, or any Five or more of them, at any Meeting, shall be binding to all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in Execution thereof.

Trustees may contract for repairing the Roads, &c.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party

Distress not unlawful for want of Form,

Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers, *ab initio*.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, in the Execution of the Powers hereby to them given, shall, from Time to Time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered, being signed by the Clerk or Clerks to the said Trustees, shall be taken and deemed to be original Orders; which said Book or Books, and also the Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the passing thereof; and shall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Trustees may let the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Five or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to farm-let the Tolls to be collected and received at the Turnpikes or Toll-gates to be erected and set up by virtue of this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years; One Month's Notice of the Intention of letting or setting being affixed on all the Turnpike-gates or Bars to be erected by virtue of this Act, for the best Rent or Rents they can get for such Tolls; to be payable to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained as the said Trustees, or any Five or more of them, shall think proper and requisite; and which said Rent or Rents so to be paid by virtue

virtue of such Leases or Contracts as aforesaid, shall be applied and disposed of in such Manner as the Tolls, granted and made payable by this present Act, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Warrant, Conviction, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Pro ceeding not to be quashed for want of Form;

Provided also, and be it further enacted by the Authority aforesaid, 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 quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, until such Order, or other Proceedings shall have been first removed to and determined, and Judgement thereupon given and entered by the General Quarter-sessions of the Peace to be held for the said Counties.

nor removeable by *Certiorari*,

till after Judgement given by General Quarter-sessions.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Thirty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a reasonable or sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Complaint shall arise; and the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by Authority of this Act: And if the same shall appear to be so done, or such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or after a reasonable or sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff

General Issue.

or Plaintiffs shall become Nonsuited, or discontinue his or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs. Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

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

FINIS.