Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Roads from *Mullen's Pond* in the County of *Southampton*, to the Eighteen Mile Stone from the City of *Salisbury* near *Willoughby Hedge*; and from *Weſt Amesbury* to *Anſtlow Hill*; and from *Amesbury* to *Fiddleton*; and from the *New Inn* in *Amesbury* to the End of the Pariſh leading to *Durrington*; and from *Wily* to *Cook's Houſe* and *Landford*; and from *Beacon Hill* to the *Nag's Head*; and from thence One Mile of the Road leading to *Shrewton* in the County of *Wilts*.



WHEREAS the High Roads leading from Mullen's Pond, in the Pariſh of Eaſt Cholderton, in the County of Southampton, through the Towns of Ameſbury and Wily; and through Chicklade Street, to the Eighteen Mile Stone from the City of Saliſbury, near a Place called Willoughby Hedge, in the Pariſh of Eaſt Knoyle, in the County of Wilts; and from Weſt Ameſbury, through Shrewton and Chittern, to the Turnpike Road at Anſtlow Hill, in the Pariſh of Knook, in the County of Wilts; and from the Town of Ameſbury, through Bulford Alton Farm and Netherhaven, to the further End of Fiddleton, commonly called The Bourn Road; and from the New Inn in the Town of Ameſbury, to the Preamble.

End of the Pariſh of Ameſbury leading to Durrington; and from Wily aforeſaid, to a Publick Houſe called Cook's Houſe, in the Pariſh of Codford, in the County of Wilts; and from Wily aforeſaid, to the Eaſt End of the Pariſh of Landford, in the County of Wilts; and from Beacon Hill, through Bulford, and through the Water to a Houſe known by the Sign of the Nag's Head; and from thence for One Mile of the Road, up to the Down towards Shrewton; are in a ruinous Condition, and in ſeveral Parts narrow and incommodious, and the ſame cannot be effectually repaired, widened, and rendered commodious by the preſent Methods provided by Law; May it therefore please your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſ-

Truſtees Names.

ſembled, and by the Authority of the ſame, That the Right Honourable Webb Seymour, commonly called Lord Webb Seymour; the Right Honourable William Seymour, commonly called Lord William Seymour; the Right Honourable and Reverend Francis Seymour, commonly called Lord Francis Seymour; the Right Honourable Henry Bilſon Legge, the Honourable Henry Frederick Thynne, the Honourable Robert Sawyer Herbert, the Honourable Nicholas Herbert, the Honourable Edward Bouverie, the Honourable Thomas Arundell, the Honourable James Everad Arundell, the Honourable and Reverend Thomas Howe, Major General A'Court, Henry Archer, Pierce A'Court Aſhe, Ambroſe Awdry junior, John Awdry, Eſquires; John Ametts, Charles Aldridge junior, Richard Andrews, Gentlemen; Peter Bathurſt, William Blackſtone, Charles Berkeley, Harry Earl Benſon, Thomas Buckler, William Buckler, William Beach of Fidleton, Thomas Bennett, Robert Balch, William Beckford, William Burleton, Julines Beckford, Peregrine Bertie, Eſquires; John Ballard D. D. the Reverend Doctor Barnes, William Bowles, Montagu Barton, William Barford, Richard Barford, Clerks; William Boulting, John Birckendon, John Butt, Kittle Burton, Richard Bird, John Berrott, Samuel Berrott, Samuel Biggs, Edward Butler, Thomas Biggs, William Bayley, Balch of Stockton, James Blatch, James Bloxham, William Eracher, John Bracher, Henry Biggs, Thomas Biggs, Nicholas Baverſtock, William Blake, Henry Burnett, Gentlemen; James Calthorpe Eſquire; Abraham Clavey Clerk, Roger Cannon, Thomas Cannings, Thomas Compton the elder, Thomas Compton the younger, Henry Cooper, Thomas Clifton, John Crouch, Simon Jude Cole, Gentlemen; Henry Coulthurſt Eſquire; Thomas Erle

Drax, Peter Delme, Robert Duke, Eſquires; William Dyke, John Davis, Gentlemen; Henry Eagell Eſquire, the Reverend John Eyre, William Eames, Ralph Etwell, William Everett, Joſeph Everett, John Eyre, Henry Eyre, Edward Eyles, Gentlemen; Sir Samuel Fludyer Baronet, George Flower, Gorgus Foyle, Eſquires; the Reverend Foyle, Samuel Ferris, Clerks; Iſaiah Farrington, Samuel Fennell, Edward Fricker, Edward Frowd, Thomas Fricker, Thomas Feild, John Feild, Gentlemen; John Garth, Hugh Grove, William Chafin Grove, Fulk Grevile, William Gore, Eſquires; the Reverend William Grove, Charles Gibbs, Clerks; John Gale, John Goddin, Joſeph Goddin, John Goddin junior, Thomas Gilbert, Joſeph Goodenough, Steven Goodenough, William Grey, William Gilbert, Gentlemen; Sir Edward Hulſe Baronet, James Harris, Henry Hoare, James Harding, Richard Hoare, Edward Hooper, Edward Hearſt, John Holder, Eſquires; the Reverend Maſter Head, the Reverend Richard Head, the Reverend John Hawes, Charles Humphrys, Clerks; Edward Harvey, Henry Hindley, Giles Hillman, Roger Hall, Edward Hinton, Edward Harding, Auſtin Hayter, Hopkinte, Thomas Hayter, Thomas Himwood, Thomas Hull, Gentlemen; the Reverend William Ingram Clerk, Robert Jennings, Chriſtopher Ingram of Codford, Chriſtopher Ingram of Bapton, Henry Ingram, Richard Jervoiſe, Triſtram Huddleſtone Jervoiſe, Gentlemen; Iſaac King Eſquire, George Kellow Gentleman, Sir Robert Long Baronet, Walter Long, James Long of Bratton, William Long of Baynton, Thomas Lockyer, Richard Lamborne, Edmund Lambert, J. Tolſon Lockyer, Eſquires; Thomas Lampard of Reyhill, Richard Leverſuch, Edward Lambert, Edward Lawrence, Thomas Lawſe, Wadham Lock of the Devizes, William Lock, Richard Lock, Henry Lock, Thomas Lucas, Gentlemen; Henry Morley, Cary Harvy Mildmay, Paul Methuen, Edward Medlicott, Edward Morant Eſquire; Moulton Meſſiter, Benjamin Mundy, Robert Mills, Thomas Moore, Henry Miles, Gentlemen; Francis Newman Eſquire, William Neate, John Noyes, Gentlemen; John Overton, Thomas Prowſe, John Pollin, Edward Popham, Edward Poore, Pitt, Thomas Phipps, Charles Penruddock, Alexander Powel, Eſquires; the Reverend Charles Plucknett, the Reverend Price, the Reverend Edward Pollhill, the Reverend David Price, the Reverend Thomas Price, Clerks; Benjamin Peach, Henry Plucknett, John Pugh, John Pyle, John Pollin junior, Edward Pugh junior, Nathaniel Palmer, William Pinchard, John Perrior junior, William Pottwary, George Patient, Abraham Poore, Gentlemen;

tlemen; Edward Bayntun Rolt Eſquire, the Reverend John Ruſs, William Rolfe, William Rabbitts, William Rolles, Joſeph Rebeck, John Rolles, Richard Randle, Gentlemen; Sir Simeon Stuart Baronet, Francis Seymour, Richard Southby, Henry Seymour, Prince Sutton, Eſquires; Thomas Smith D. D. the Reverend Doctor Simſon, the Reverend Shepard Clerk, William Sanders, Swain, James Sanders, John Sanders, William Slade, Robert Selfe, Henry Slade, John Strong, John Swain, Gentlemen; Sir Charles Kemys Tynte, John Talbot, Chauncey Townſend, Eſquires; the Reverend Maſter Toppen, Abraham Treakle, William Tinker ſenior, William Tinker junior, Thomas Tibbs, Broncker Thring, Wrench Thring, George Tibbs, Gentlemen; Sir Thomas Webb Baronet, George Willy, William Willy, Nathaniel Webb, Thomas Walker, Nathaniel Wright, Gifford Warrener, John Wadman, Henry Wyndham, Henry Penruddock Wyndham, William Wyndham, William Wyndham junior, George Wroughton, Eſquires; the Reverend Charles Wake LL. D. the Reverend William Waterman, Thomas Whitford, Clerks; J. Wragge, William Way, John Webb, Simon Webb, Jonathan Woodman, John Wallis, James Wells, Edward Wilton, John Wanſey, George Wanſey, Pitman Warren, Robert Wanſborough, Thomas Waters, William Warne, Gentlemen; Edward Young Eſquire, ſhall be, and they and their Succeſſors to be appointed in Manner herein after-mentioned, are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Forty Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of Eighty Pounds, or poſſeſſed of, or intitled unto, a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of Eight hundred Pounds: And if any Perſon hereby deemed incapable to act, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform, and ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove

Penalty on acting if not qualified.

that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Trustee in the Execution of this Act.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of William Warne, known by the Sign of The George at Amesbury, on the Second Monday in February, One thousand seven hundred and sixty two, and shall proceed to the Execution of this Act, and shall then adjourn themselves to the House of Richard Bird, known by the Sign of the White Hart at Andover, and proceed to the further Execution of this Act; and shall then adjourn themselves to the House of Henry Lock, known by the Sign of the Bull at Wily, and proceed to the further Execution of this Act; and shall then adjourn themselves to the House of Richard Lock, known by the Sign of the Black Lion at Deptford, and proceed to the further Execution of this Act; and shall then adjourn themselves to the House of Thomas Pettey, known by the Sign of the George in Shrewton, and proceed to the further Execution of this Act; and shall then adjourn themselves from time to time, and hold their Meetings at Amesbury, Andover, Wily, Deptford, and Shrewton in Rotation, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees at all their Meetings shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

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

Trustees not to act where interested.

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

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

Powers

Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

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

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

15 Days Notice to be given of such Election.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across the said Roads, and a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls at each of the said Gates or Turnpikes before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast drawing any Carriage, the Sum of Three Pence.

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any less Number.

For every Drove of Calves or Hogs, the Sum of Five Pence per Score, and so in Proportion for any less Number.

And for every Drove of Sheep or Lambs, the Sum of Two Pence Halfpenny per Score, and so in Proportion for any less Number.

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall appint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after-mentioned: And if any Person or Persons subject to the Payment of any of the said

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls to seize and distrain any Horse or Horses, or other Cattle or Beast upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts or Goods so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Distress may be sold after 4 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon, in, or across any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted, and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Trustees may erect Side Gates, and take Tolls thereat,

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

And be it further enacted, That nothing herein contained shall extend to impower the said Trustees to erect any Gate or Turnpike in, upon, or across any Part of the Turnpike Road leading from Fisherton Bridge to Willoughby Hedge, or from Wilton Bridge to the Turnpike Road at the West End of Heytesbury, or from Salisbury to Redhone, or from the West Corner of a Ground called Mills's Close in the Parish of Chittern Saint Mary, now in the Possession of William Tinker the elder, and a House in the Possession of Thomas Prior Tibbs, standing next above the White Hart Inn in Chittern aforesaid, nor within One hundred Yards of either the Ground or House aforesaid.

No Gate to be erected on the Road leading from *Salisbury* to *Redhone*.

And be it further enacted, That the said Gates or Turnpikes and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors, 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 authorized and impowered to bring, or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk, or to prefer and order

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

and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any Gate, Turnpike, or Toll-houſe, which ſhall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the ſame ſhall be built or conſiſt, or any of the Materials which ſhall be provided for the repairing of the ſaid Roads.

Application of the Monies.

And be it further enacted, That out of the Firſt Money ariſing by the Tolls hereby granted, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act; and ſhall apply the Remainder of the Money ſo raiſed in erecting Gates or Turnpikes and Toll-houſes, and repairing, widening, and amending the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Truſtees, with Conſent of the Creditors, may leſſen the Tolls.

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

Tolls to be paid but Once a Day.

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

Carriages going with Corn to *Warminſter* Market to be exempt from Toll upon their Return next Day.

And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted, at any Gate or Turnpike erected by virtue of this Act, for any Cattle or Beaſt drawing any Carriage laden with Corn or other Grain to Warminſter Market, the ſame Perſon, upon producing a Note or Ticket denoting ſuch Payment, ſhall

be permitted to paſs through the ſame Gate or Turnpike, with the ſame Cattle or Beaſt and Carriage, unladen or laden with Coal only, Toll-free in the Day next after the Day in which ſuch Toll ſhall have been paid; which ſaid Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of ſuch Toll.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Leaſe to any Perſon or Perſons by the Year or otherwiſe, for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Seven or more of them, ſhall think reaſonable; which Sum or Sums of Money ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and ſhall be applied as the Tolls hereby granted are to be applied, and to no other Uſe or Purpoſe whatſoever.

Exemptions from Tolls.

And be it further enacted, That no Toll ſhall be demanded or taken for any Cattle drawing any Carriage laden with Materials, for repairing any Road or Highway; or Compoſt of any Nature or Kind whatſoever, for manuring of any Garden, or other Land or Ground; or Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Barns, Yards, or Backſides of the Owners thereof; or drawing any Plough, Harrow, or other Implement of Huſbandry; or for any other Thing whatſoever employed in Huſbandry, or for manuring or ſtocking of Land in the ſeveral Townſhips, Pariſhes, Hamlets, or Places in which the ſaid Roads hereby intended to be repaired do lie; or drawing any Coaches or other Carriages, or from Paſſengers on Horſeback going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the Counties of Southampton, Wilts, or Somerſet, or for any Cattle drawing the Coach or other Carriage of any Perſon or Perſons going to and from Church, or other Place of Religious Worſhip they uſually reſort to on Sundays, or attending the Funeral of any Perſon who ſhall die and be buried in any Pariſh through which the ſaid Roads lead; or for the Cattle of any Perſon or Perſons who ſhall croſs any of the ſaid Roads only; or for any Cattle going to or returning from Paſture or Water; or for any Poſt-horſe or Cattle drawing any Carriage with the Mail; or for the Horſes of any Officers and Soldiers on their March; or for any Cattle drawing the Carts or Carriages attending them; or for Horſes or Cattle drawing Carriages travelling with Vagrants ſent by Paſſes.

Provided

Penalty on claiming Exemptions, not being intitled thereto.

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

Penalty on Persons permitting or going thro' private Passage, &c.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to or receive from any Person, any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

of taking off Horses, &c. to avoid paying the Tolls.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Roads in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or

who

who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may and is and are hereby impowered from time to time to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and such Officers and other Persons, or any or either of them, from time to time to remove, and to appoint others in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons shall from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands, upon Oath to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall to that time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Goal of the County, there to remain without Bail or Mainprize until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any

Trustees may appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into the Default;

and commit the Offender, until he shall conform, or compound for the same.

Five or more of them, and ſhall have paid ſuch Compoſition to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make.

Treaſurer to give Security.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due Execution of his and their ſaid Office and Offices, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

No Victualler, &c. ſhall hold any Place of Profit.

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

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

And be it further enacted, That the Surveyor or Surveyors, appointed by the ſaid Truſtees, or any Seven or more of them, or any Perſon or Perſons appointed by ſuch Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any River or Brook, Waſte, Common, or Wood, in any Pariſh, Town, or Place in, adjoining to, or lying near the Roads aforeſaid, to be uſed in repairing the ſaid Roads, without paying any thing for the ſame; they the ſaid Surveyor or other Perſons filling up the Pits and Holes, and levelling the Ground, or making a ſufficient Fence to prevent any Miſfortune or Accident happening in the Pits or Holes from which ſuch Materials ſhall be taken, or cauſing the ſame to be done: And if ſuch Quantities of Materials ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſte, Common, or Wood, then and in ſuch Caſes to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and ſufficient for that Purpoſe, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Perſon or Perſons where the ſame may be had or found, to be uſed towards repairing the ſaid Roads (ſuch Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nurſery) they the ſaid Surveyors or other Perſon or Perſons paying or offering to pay to the reſpective Owners or Occupiers of ſuch Lands or Grounds, ſuch Damages for getting the ſaid Materials,

without paying for the ſame;

levelling the Pits;

Where ſufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace for the County where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties. Justices to determine Differences.

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

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing Surveyors may remove Annoyances in the Road, &c.

ing

ing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down ſuch Trees or Bushes, or to remove ſuch Annoyances for the Space of Fourteen Days after Notice in Writing given for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors; the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Bushes, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not, upon Demand, pay and reimburſe to the Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed, from time to time, to levy the Charges thereof upon ſuch Owners or Occupiers by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before Two or more Juſtices of the Peace for the ſaid County, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforeſaid.

the Owners neglecting to remove the ſame after Notice;

Charges to be reimburſed the Surveyor.

Charges to be levied by Diſtreſs and Sale.

Penalty of a Second Offence.

And be it further enacted, That if any Perſon or Perſons, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Roads, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing to be left at his, her, or their reſpective Place or Places of Abode, the ſaid Money, and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and

Owners neglecting to ſcour their Watercourſes, &c. after Notice given for that Purpoſe,

the Surveyors may ſet Men to work thereon, and levy the Charges.

Non-payment

Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace of the County or Place where ſuch Perſon or Perſons reſpectively ſhall live, ſhall and may, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be raiſed and levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Truſtees may contract with Perſons for the Purchaſe of Lands, &c. to be laid into the Road, &c.

And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering any Part of ſuch Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them; and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

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

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees, be thought neceſſary or proper to be taken in and added to the ſaid Roads, or through which the ſaid Roads may be turned, and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame by reaſon of Infancy or other Diſability; be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators,

Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require: And all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons shall refuse or neglect to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing, at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case,

Jury to settle the Recompence.

the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Road into

into or through any ſuch Lands, Grounds, or Hereditaments; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby impowered and required from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons any 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 returning ſuch Jury or Juries the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands, Grounds, or Hereditaments ſhall lie, thereby commanding and requiring him to impanel, ſummon, and return an indifferent Jury of Twenty four Perſons to appear before the Truſtees, or any Five or more

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be concluſive to all Parties.

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, 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 Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons, who being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; and from time to time to levy ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, ſo that no ſuch Fines ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Uſes and in ſuch Manner as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

Truſtees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money ſo aſſeſſed as aforeſaid, is hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to ſuch Perſons or their Agents, and in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees for the Uſe of ſuch Perſons; ſuch Lands,

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

Grounds, or Hereditaments, ſhall be laid into, and made Part of, the ſaid Roads, and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Road for ever after; and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Road ſo widened, altered, or turned, was and ought to have been kept in Repair: And after ſuch new Road ſhall be completed, the Lands and Grounds comprized in, or conſtituting, the old or former Road, ſhall be veſted in, and ſhall and may be ſold by, the ſaid Truſtees, or any Five or more of them, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing the ſaid Roads, and other the Purpoſes of this Act; and the Sale or Conveyance and Conveyances to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein ſuch Lands, Grounds, or Hereditaments ſhall lie, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

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

and kept in Repair as ſuch.

Old Road may be ſold.

Application of the Money.

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

Buildings, &c. not to be injured.

And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with, the repairing and keeping in Repair the ſame Parts of the ſame Roads, in the ſame Manner as they, or every of them, hath or have heretofore uſually done or ought to do: And that the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Roads hereby intended to be

Perſons chargeable to the Repairs of the Roads to continue ſo.

repaired do lie, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do and perform the ſame Work, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Roads by this Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, or Places, in which ſuch Inhabitants reſpectively ſhall live, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and at ſuch Times, and in ſuch Manner, as the Surveyor or Surveyors by them authorized ſhall direct or appoint; and that every Inhabitant of the ſaid Towns, Pariſhes, Hamlets, and Places reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team, and ſhall do and perform ſuch Work in and towards the repairing the Highways of the ſeveral Towns, Pariſhes, Hamlets, and Places, in which they reſpectively live, as Perſons keeping Teams are obliged by Law and ought to do.

Perſons renting 50 *l. per Annum*, to be deemed Team-holders.

And, to the End that the ſaid Truſtees may know the Inhabitants of all the Towns, Pariſhes, Hamlets, and Places wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought reſpectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the ſaid Towns, Pariſhes, Hamlets, and Places, ſhall, and they are hereby required, at the Firſt Meeting of the ſaid Truſtees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the ſaid Truſtees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of ſuch Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the ſaid Truſtees true and perfect Liſts, in Writing, under their reſpective Hands, of the Names of all the Inhabitants of ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, who are liable to do their Statute-duties in and upon the ſaid Highways; and ſhall in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Inhabitants ſhall, and by this Act ſhall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places,

Places, through which the ſaid Roads lead, ſhall not deliver in to the ſaid Truſtees Liſts of the Inhabitants of their ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, at ſuch Times and in ſuch Manner as by this Act is directed and required to be delivered, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay for every ſuch Default the Sum of Five Pounds: And if any or either of the Inhabitants of the ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, ſhall not do ſuch Statute-work in and upon the ſaid Roads at ſuch Times and Places and in ſuch Manner as they ſhall by the Surveyor or Surveyors, appointed by the ſaid Truſtees, be directed or appointed to do, ſuch Inhabitants, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant or Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work the Sum of One Shilling and Six Pence: And if any Perſon or Perſons, who ſhall come to work as a Labourer or Labourers, or be ſent with any Team, Draught, or Cart to work on the ſaid Road for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or ſhall not properly perform ſuch Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and diſcharge ſuch Perſon or Perſons; and it ſhall be deemed and taken as if ſuch Perſon or Perſons had not come or ſent any Team, Draught, or Cart to work on the ſaid Roads; and he, ſhe, or they ſhall be ſubject and liable to the reſpective Forfeitures, as if he, ſhe, or they had neglected or refuſed to do or perform the ſaid reſpective Day's Work.

and on Perſons not performing Statute-work.

Perſons found idle to be turned off.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may and are hereby authorized and impowered to compound with the ſeveral Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the ſeveral Days Statute-work to be by them reſpectively done upon the ſaid Roads, at and for ſuch Sum and Sums of Money, by the Year or otherwiſe, as they the ſaid Truſtees, or any Seven or more of them, and the ſaid Inhabitants reſpectively, ſhall agree upon; which ſaid

Truſtees may compound for Statute-work, &c.

Money ſhall be inſtantly paid to the ſaid Truſtees, or any Seven or more of them, or to their Appointment.

Surveyors may appeal to the Quarter Seſſions to proportion the Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parihes, Hamlets, or Places, wherein the ſaid Roads, directed by this Act to be repaired, do lie, ſhall think the ſaid Truſtees have directed or appointed too large a Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, to be done on the ſaid Roads, it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſion of the Peace next after ſuch Direction or Appointment, unleſs the ſame ſhall be made within Ten Days preceding ſuch Quarter Seſſion, and then to the Second Quarter Seſſion next after ſuch Direction or Appointment; and the Juſtices, in their ſaid Quarter Seſſion, are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, ſhall be done on the Roads by this Act directed to be repaired; ſuch Surveyor or Surveyors of the Highways having firſt given Eight Days Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid Truſtees.

Penalty on haling Timber, otherwiſe than with Wheel Carriages.

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

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Mile-ſtones to be ſet up on the Sides of the ſaid Roads, with Inſcriptions to be made thereon, denoting the Number of Miles and Diſtance of Places; and alſo Poſts at the ſeveral Roads leading out of the Roads hereby directed to be repaired, with Inſcriptions to be made thereon, denoting to what Place or Places the ſaid Roads reſpectively lead: And if any Perſon or Perſons ſhall wilfully or deſignedly break or pull down, dig up, injure, or deſtroy, any or either of the Stones or Poſts that ſhall be ſo ſet up, or eraſe, obliterate, or deface any of the Inſcriptions which ſhall be made thereon, or cauſe the ſame to be done, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo wilfully or deſignedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-ſtones, &c.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County wherein the Offence ſhall be committed; which Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, upon the Information of any One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending the ſaid Roads, and other the Purpoſes of this Act: And in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties or Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction for any Time not exceeding Two Months. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Act, Order, or Judgement of any Juſtice or Juſtices of the Peace, which ſhall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General Quarter Seſſion of the Peace for the County or Place where the Matter or Thing for or by reaſon of which ſuch Act, Order, or Judgement ſhall be ſo done, made, or awarded, and which ſhall be holden next after the doing, making, or awarding of ſuch Act, Order, or Judgement; he, ſhe, or they cauſing reaſonable Notice in Writing of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Oaths, or Evidence, ſuch Act, Order, or Judgement ſhall be ſo done, made, or awarded, and to ſome or One of the Collectors or Receivers of the ſaid Tolls; Perſons aggrieved may appeal to the Quarter Seſſions, &c. Notice of Appeal to be given.

which said Justices, at their said Session, upon due Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form, nor removable by *Certiorari*.

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

Distress not to be deemed unlawful for want of Form;

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

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

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

Proceedings, &c. to be entered in a Book.

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

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any the Powers or Authorities hereby vested in such Trustee or Trustees,

Truſtees, Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities aforeſaid, made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp Duty whatſoever.

No Order to be repealed unleſs Seven Truſtees are preſent.

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

Commencement and Continuance of the Tolls.

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

Limitation of Actions.

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

Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes by Law.

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

FINIS.