Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Roads leading from *Kelſall*, in the County of *Salop*, to *Whiſton Croſs*, and from thence over *Burnhill Green*, *Rudge Heath*, by the Two New Inns, and to a Place called *Highgate Warren*, in the County of *Stafford*.

WHEREAS the Roads leading from Kelſall, in the County of Salop, to Whiſton Croſs, and from thence over Burnhill Green, Rudge Heath, by the Two New Inns, and to a certain Place called Highgate Warren, in the County of Stafford, 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 aſſembled, and by the Authority Preamble.

Truſtees Names.

of the ſame, That Sir John Aſtley Baronet, Edward Acton, John Amphlet, Eſquires; the Reverend Henry Antrobus, the Reverend John Atwood, Jeremiah Addenbrooke, William Archer, Sir Hugh Brigges Baronet, William Bagot, Charles Baldwyn, William Boycot, Wadham Brooke, Thomas Bradney, Eſquires; William Barker, William Biſhton, John Broomall, William Birch, Edward Barlow, William Barker, John Brown, Thomas Beach, John Baker, Thomas Baker, Nathaniel Bradſhaw, John Brett, William Brett, Francis Butter, Aaron Bourn, the Reverend Edward Beſt, William Bendy, John Baddily, Jeremiah Brettle, Edward Banton the elder, William Bowyer, Thomas Bourn, John Corbet Eſquire, William Congreve, Moſes Cotterell, Jeremiah Caſwell, John Cooke, Capel Cooke, Jeremiah Caſwell, William Churchyard, Rowland Carr, Benjamin Corſon, William Cox, Edward Cox, Joſeph Cartwright, Walter Dovey Eſquire, James Devey, Thomas Devey, Anthony Dean Eſquire, John Dovey of Farmcote, Anthony Dean the younger, Rupert Dovey, John Dunton, Joſeph Dixon Apothecary, William Eggington, Vincent Edwards, Thomas Evans, Edward Evans, James Evans, Roger Eykyn, James Eykyn, the Reverend John Fox, Richard Fryer, Thomas Fellow, John Fryer, the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable Booth Grey, the Honourable John Grey junior, John Groom Eſquire, Thomas Gitton, John Grove, the Reverend Richard Groome, John Gibbons, Thomas Gibbons the younger, William Gibbons, Joſeph Green, Jonathan Green, John Gorton, Stephen Gorton, William Gibbons of Ettingſal, Michael Grafebrooke, Benjamin Gibbons, John Groome, Samuel Hellier Eſquire, John Hodgetts, William Hodgetts, Thomas Hodgetts, Eſquires; the Reverend Joſeph Honeyborne, the Reverend John Hale, John Hurd, Richard Hillier, Richard Hirkman, John Hollins, Richard Hollins, Francis Hancox, William Horton, Richard Horton, Edward Hope, James Horton, Peter Hinks, the Reverend Thomas Hartſhorne, Gregory Hickman, Abraham Hill, William Hilliard, Francis Holyoake, George Holyoake, Francis Huart, William Hazlewood, Walter Hopkins, William Hauſkin, Thomas Homer, Harry Homer, Waldron Hill, Thomas Hill the younger, Joſeph Hill, Robert Honeyborne the elder, Thomas Hill the elder of Colbon Brook, Robert Honeyborne the younger, John Haycock the elder, John Haycock the younger, Edward Harper, Thomas Hickin, Abiathar Hancox, Thomas Hawkes, Thomas Jelicoe, William Jelicoe, John Jelicoe, John

Jeſſon Attorney, John Jeſſon Chapman, John Jellicoe, William Jennings, Joſeph Jones, Richard Jorden, Richard Jorden the younger, Edward Knight Eſquire, Edward Knight the younger, John Knight, Joſeph Knight, Richard Keelinge, John Keelinge, Samuel King, Willis Kempſon, Sir Robert Lawley Baronet, Robert Lawley Eſquire, John Lees, Joſeph Littleford, Robert Lilly, John Leebridge, Joſeph Lane, William Lott, John Lowe, James Moſeley Eſquire, Walter Acton Moſeley, Simon Mountfort, Eſquires; Thomas Meeſon, Henry Maddox, John Manley, the Reverend James Marſh, Benjamin Molineux, Thomas Mullender, Thomas Marſtone, William Maſon, Thomas Newton, John Oatley, Joſeph Owen, Robert Pigott Eſquire, Humphrey Pitt Eſquire, the Reverend John Parker, John Parſons, Richard Parſons, Samuel Parkes, William Plymley, Bromwell Powell, James Perry, the Reverend William Pigott, the Reverend Richard Parker, the Reverend Otho Philpot, Thomas Parker, John Piddock, William Pargiter, George Pearpoint, John Perſhouſe, Richard Price, Thomas Robins, Edward Ruſſell, Edward Ruſſell the younger, Plowden Slaney Eſquire, Walter Smith, John Stubbs, Edward Shadwell, Eſquires; the Reverend William Shinton, Richard Slaney, Richard Shelton, William Shelton, Walter Stubbs Attorney at Law, Graves Sanſom, George Saunders, John Weſton Smith, Ignatius Smith, John Stone, Thomas Seagar, Thomas Symkiſs, Daniel Short, Humphrey Short, George Southell, Francis Stuart, the Reverend Edward Thornes, William Tildſley, Joſeph Turton Eſquire, John Tongue, William Tongue, John Turton of Sedgley, the Honourable John Ward, the Reverend Sir Richard Wrottesley Baronet, Sir Thomas Whitmore Knight of the Bath, the Honourable Major General William Whitmore, the Reverend Henry Whitmore, William Whitwick, Joſeph Warthos, John Wood, John Walford, John Winkel, Thomas Worrall, the Reverend Worrall, the Reverend Paul White, Edward Waldron, Thomas Whittingham, Joſeph White, Thomas White, Thomas Wightwick, John Wrottesley Eſquire, Edward Whitby Eſquire, the Reverend William Wight, John Williams, Henry Whinwright, Edward Walters, Benjamin Winwood, and their Succeſſors, to be appointed in Manner herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his

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 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.

Penalty on acting, not being qualified.

Time and Place 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 Joſeph Williams, known by the Sign of the London Apprentice, in Pattingham, on the Firſt Tueſday in June, One thouſand ſeven hundred and ſixty two, and ſhall proceed to the Execution of this Act, and ſhall then adjourn themſelves, from time to time, to ſuch Times and Places, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that there ſhall not appear, at any ſuch Meeting, a ſufficient Number of Truſtees to act, or to adjourn to any other Time and Place, then the Clerk to the Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held, and ſhall cauſe Notice thereof to be 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.

Proviſo.

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

No Truſtee to accept of any Place of Profit ariſing from the Tolls.

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.

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 Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees. Trustees who are in the Commission of the Peace to act as Justices.

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. On Death, &c. of Trustees, others to be chosen. 15 Days Notice to be given of such Election.

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, Trustees may erect Turnpikes and Toll-houses; and take the following Tolls thereat.

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

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, Hogs, Sheep, or Lambs, the Sum of Five Pence 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 appoint to collect the same; and the Money so to be raised is hereby Tolls vested in Trustees.

by 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, 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.

Tolls may be levied by Distress and Sale.

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 Turnpikes on the Sides of the Roads,

and take Tolls thereat,

so as the same extend not to a double Charge.

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 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.

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

And

Application of the Money.

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 Two Thirds 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.

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 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 Salop or Stafford, 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; nor shall any Toll be demanded or taken at any Gate or Turnpike to be erected cross any Lane or Way leading into or out of any of the Roads hereby directed to be repaired, unless the Horse, Cattle, or Carriage, passing through any such Gate or Turnpike shall pass the Space of Three hundred Yards on some Part of the Roads by this Act directed to be repaired; 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.

Penalty on making illegal Claims.

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 going thro' or permitting private Passage.

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

or if any Person shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage upon 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.

or taking off Horses, &c.

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.

Tolls may be assigned for Money borrowed.

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 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.

Assignments may be transferred.

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

Trustees may appoint Officers; and remove them, and appoint others.

Truſtees to allow Officers Salaries.

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 any 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 Gaol of the County where the Offence ſhall be committed, 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 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.

Officers to account upon Oath.

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender,

until Payment or Compoſition made.

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. to have a 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. from 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 Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from 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, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County 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

without paying for the same;

levelling the Pits;

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

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

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.

Surveyors may make Causeways, &c.

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 Scite 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 remove Annoyances,

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 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;

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.

to be levied by Distress and Sale.

Penalty on 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 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 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.

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.

And

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. impowered to treat for the Sale of such Lands.

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 sever and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are, and shall be, hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or 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, 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 Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as to Evidences or Witnesses touching or concerning the

Damages to be settled by a Jury.

Premisses (which Oath any Two of 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 of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear,

Verdict of the Jury to be binding.

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

or

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 Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

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

Lands, &c. when purchased, to be made Part of the Road.

and deemed a publick Highway,

and kept in Repair as such.

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 comprised in, or constituting, the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for 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.

Old Road may be sold.

Buildings, &c. not to be injured.

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.

Persons liable to repair Bridges, &c. to continue so.

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 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

Inhabitants to do Statute-work.

shall

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 Ann. 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 oftner, 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 given 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 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, and liable

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

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 Days Work.

Labourers 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 the said Trustees, or any Seven or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

Trustees may compound with Parishes for Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said 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,

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

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.

Penalties and Forfeitures how to be recovered and applied.

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,

quired 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.

Perſons aggrieved may appeal.

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; 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.

10 Days Notice of Appeal to be given.

Proceedings not to be quaſh'd for want of Form only;

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,

Act, shall be removed or removable 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.

nor removable by *Certiorari*.

Distress not to be deemed unlawful for want of Form only;

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

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

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

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.

Proceedings to be entered in a Book.

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 of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them; or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

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.

No Order to be repealed unless Nine Trustees are present.

Commencement and Continuance of this Act.

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 Action 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

General Issue.

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, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or

Treble Costs.

Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

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.