Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Road from the Turnpike Road at the Turnpike Road at *Weyhill* in the County of *Southampton*, to *Lyde Way*, in the County of *Wilts*.



WHEREAS the Road leading from the Turnpike Road at Weyhill in the County of Southampton, by the Two Mile Burrow, through Rednam Lane, Shoddeſdon, and Appleſhaw in the ſame County; and through Ludgarſhall, Eaſt Everly, Weſt Everly, Uphaven, and the Pariſhes of Ruſhal, Charlton, and through the Vale in the County of Wilts, to the Turnpike Road at Lyde Way, in the Pariſh of Urſhfont, in the ſaid County of Wilts, is in a ruinous Condition, and in ſeveral Parts thereof narrow and incommodious, and cannot be ſufficiently widened, altered, and repaired, by the ordinary Courſe of Law: May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Henry Powlett, commonly called Lord Henry Powlett; Preamble. Truſtees Names.

the Right Honourable William Pulteney, commonly called Lord Viſcount Pulteney; 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 Earl Tilney, in the Kingdom of Ireland; the Right Honourable Earl Verney, in the Kingdom of Ireland; 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 Everard, the Honourable and Reverend William Harley, the Honourable and Reverend Thomas Howe, Sir John Aſtley, Sir Robert Long, Sir Bennet Garrard, Sir Bouchier Wray, Sir Michael Ernle, Baronets; Sir John Griffin Griffin, Sir Francis Blake Delaval, Knights of the Bath; Sir Sidney Meadows Knight, the Reverend Jonathan Alleine, John Annetts, Ambroſe Awdry junior, John Awdry, Edward Andrews, James Brackſtone, Thomas Benham, Richard Bird, the Reverend Jonathan Butler, Robert Bird Attorney, Robert Bird Carrier, Jacob Bunny, William Beckford, Julines Beckford, Peter Bathurſt, Robert Barker, Henry Earle Benſon, William Beach, the Reverend Joſhua Barns LL. D. John Burroughs Clerk, Doctor Brickenden, Charles Bright, the Reverend William Bowles, Bohn Butcher, Henry Brook, Nathaniel Bayly, Daniel Bull, Thomas Bytheaſee, John Bytheaſee, John Braithwaite, Thomas Baskerville, Harvey Combe, Thomas Compton junior, Roger Cannon, William Cooper, William Child, the Reverend Charles Curtoys, William Coward, Fiſh Coppinger, the Reverend William Cooke of Endford, John Cooper of Camberwell, Thomas Cannings, Thomas Compton, Robert Cooper of Sarum, Charles Carmon, John Clark, Henry Coulthurſt, Samuel Cam, Samuel Cam junior, Joſeph Colborne, Thomas Collett, the Reverend Edward Duke, John Delme, John Duke, Robert Duke, George Dewar, Edmund Daniel, Ezekial Dickinſon, Caleb Dickinſon, George Dyke, Samuel Eyre, William Eames, Ralph Etwall, Henry Edgell, Michael Ewen, Edward Eyles, William Earle, William Everett, Thomas Everett, Joſeph Everett, Thomas Fowler, Abraham Treakell, Samuel Fennell, John Freeman, Gorges Foyle, George Flower, the Reverend Edward Foyſe, the Reverend Thomas Fudge, John Flower, George Woodward Grove, Joſeph Godden, John Godden, John Godden junior, William

liam Gilbert, John Garth, Charles Garth, Hugh Grove, Thomas Garrard, the Reverend Goddard of Tidworth, Edward Gale, Roger Geaten, John Gale, William Gale, Edward Gale, Francis Yerbury, Thomas Goddard, John Gent, Matthew Gent, Nicholas Greene, Edward Hooper, Joſeph Hinxman, Peter Hawker, Jeremiah Haynes, Giles Hillman, Roger Hall, the Reverend William Haygarth, Edmund Hook, Henry Hoare, James Harris, Edward Heaſt, Thomas Haytor, William Heale, the Reverend William Harriſon, Henry Howard, Clerks; William Hutchins, Thomas Hackett, Matthew Hutchins, Joſeph Houlton, John Hutchings, John Hutchings, John Hicks, Richard Holland, Matthew Humphrys junior, Robert Halliday, Henry Halliday, Iſaac Hilliar, Elias Ivy, Jaſon Ivy, Thomas Johnſon, Humphry Tugwell, William Tugwell, Thomas Tugwell, George Jones, John Jones of Melkſham, Iſaac King, the Reverend Henry Kent, Benjamin Lethieullier, Richard Leverſuch, Walter Long, John Ledyard junior, Richard Long, James Long, Charles Long, William Long of Melkſham, Edward Mitchell junior, Thomas Mitchell, Benjamin Mundy, John Mountain, Joſeph Mills, James Montagu, Edward Montagu, William Mitchell, James Mitchell, Knight Mitchell, Thomas Maundrell, the Reverend John Mills, Joſeph Mortimer, Joſeph Mortimer junior, the Reverend William Mayo, John Matravers, John Matravers junior, Thomas Mathews, James Mathews, John Moxham, Paul Methuen, James Moore, Edward Moore, William Neale, Robert Neale, John Noyes, Paul Newman, Francis Newman, Dennis Newman, John Newman, the Reverend John Newton Vicar of Melkſham, William Nouſe, William Neat, John Overton, John Pollen, John Pollen junior, Joſeph Portal, John Pugh, John Pyle, Edward Pugh, the Reverend John Pyke, Gregory Parry, Clerks; William Poore, Thomas Pickering, Philip Pulſe, Francis Popham, Edward Popham, Charles Penruddock, James Pulſe, Phillip Pulſe, Edward Poor of Sarum, Alexander Powell, Edward Poor of Tidworth, Edward Poor of Ruſſell, Smart Poor of Andover, Richard Pye, John Poor, William Phipps, Thomas Phipps, Paul Phipps, Edward Pierce, William Periam, Chriſtopher Rawlinſon, the Reverend Richard Ring, Edward Bayntun Rolt, the Reverend William Roman, Paul Randall, Thomas Rogers, John Rutty, Thomas Henry Rutty, Charles Roſe, Jonathan Rutty, the Reverend John Rolt, George Auguſtus Selwyn, Thomas Skeat, Richard Sambourne, Joſeph Smith, William Saunders, Edward Scroggs, Michael Smith, the Reverend Doctor Stone, Francis Swarton, the Reverend Joſeph Simpſon D. D. the Reverend

verend George Strother, Henry Still, Thomas Sheppard the younger, Robert Smith, Clerks; William Salmon, Samuel Salmon, Prince Sutton, Willy Sutton, James Sutton, Samuel Sainsbury, Joseph Saunders, John Smith of Aton, John Smith of Bradford, Robert Sloper, Joshua Iremonger, William Tyrrel, Charles Taplin, John Talbot, the Reverend William Tomlins, Samuel Topping, Clerks; Broumker Thing, Wrench Thring, John Thurmeen, John Tylee, John Talbot junior, Thomas Woodman, the Reverend Robert Worgan, Joseph Wakeford, Richard Willis, William Worgan, Joseph Woods, James Wells, George Whatley, Edward Winter, John Richmond Webb, William Willy, Wadham Wyndham, George Wroughton, John Wadman, Daniel Whitworth, George Willy, Henry Wyndham, William Wyndham, the Reverend John Wills, White of Tidworth, Clerks; John Williams, Henry Williams, John Wallis, George Wroughton, Philip Withers, James Wilde, John Whitehead, George Whitehead, the Reverend Richard Yaldwyn, Francis Yerbury, Richard Yerbury, William Smith, Fulk Grevile, Thomas Gatehouse, Richard Willis junior, Alexander Willis, William Neale senior, Henry Overton, William Heydon, Francis Lavington, Thomas Cordrey, Joseph Vincent, John Vincent, Charles Hale, John Bird, Stephen Laws, Edward Grace junior, William Bayly, and Woodward Grove, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, widening, turning, altering, amending, and keeping in Repair, the Road aforesaid, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee, in any Case, 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 Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate in Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount and Value of Eight hundred Pounds; and that no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, who shall have or accept of any Place of Profit arising out of or by reason of any Tolls or Duties by this Act laid or granted;

but ſuch Perſon or Perſons ſhall be incapable of acting as a Truſtee or Truſtees, during his Enjoyment of ſuch Place of Profit as aforeſaid: And if any Perſon ſo made incapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this 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 or 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, Bill, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed. Penalty on acting if not qualified.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall meet together at the Houſe of Henry Day, known by the Sign of The Crown, and ſituate in Eaſt Everley aforeſaid, and ſhall proceed to the Execution of this Act; and ſhall then, and from time to time, adjourn themſelves to meet at ſuch Place or Places, within or near the ſaid Road, as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary, for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, either by Adjournment or Notice as herein after-mentioned, there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as ſuch Caſe ſhall happen, by Notice in Writing, to be affixed upon all the Turnpikes which ſhall then be erected upon or acroſs the ſaid Road, at leaſt Six Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held, or at ſome other convenient Houſe or Place near the ſaid Road, on the Twenty firſt Day after the Day for which ſuch laſt Meeting was appointed; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences: And that all Orders and Determinations of the ſaid Truſtees, in Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting (every Truſtee compoſing ſuch Majority being entirely diſintereſted in the Matter or Matters in Queſtion) ſhall concur therein; ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order or Determination; nor ſhall any ſuch Order or Determination be revoked or altered

Time and Place of Truſtees Meeting.

In Default of a ſufficient Number to act, Notice to be given of another Meeting.

Truſtees to defray their own Expences.

No Order to be repealed unleſs 13 Truſtees are preſent.

altered at any subsequent Meeting, unless Thirteen Trustees, disinterested as aforesaid, shall be present; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees, which shall be held by virtue of this Act, be on any Account begun to be held before the Hour of Ten in the Forenoon, nor after Four in the Afternoon: And if any Meeting shall at any Time be held contrary to this Direction, all Business which shall be done or transacted at such Meeting, shall be, and the same is hereby declared to be, null and void.

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

On Neglect of the Clerk, 2 Trustees may appoint a Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Three or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Road, on that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, removed, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be published in the Salisbury Weekly News Paper, as long as the same shall continue to be circulated, and also be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby

10 Days Notice to be given of such Election.

vested

vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen, were vested with.

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 Turnpike or Turnpikes in, upon, or across the said Road, and also a Turnpike or Turnpikes on the Sides of the said Road, or cross, or at the End of, any Lane or Way leading into or out of the same, and a Toll-house to each 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 Tolls thereat.

For every Horse or other Beast drawing any Carriage, the Sum of Four Pence.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, 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 greater or less Number.

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to collect the same; 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 Seizure and Distress, 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 to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, and be it further enacted, That the said Trustees shall cause the said Road leading from Weyhill aforesaid, by Two Mile Barrow, to Ludgarshall aforesaid,

The *Midway* Road to be first repaired in preference to the other Roads.

said, commonly called The Midway Road, to be repaired and amended before, and in preference to the Roads leading from Weyhill aforesaid, through Applestaw and Shoddesden; and that the said Trustees shall continue to keep the same in Repair out of the said Tolls.

Trustees may erect Sidegates,

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 Road, or upon, in, across, or at the End of, any Lane or Way leading into, out of, or from any Part of 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 in this Act made payable at any Gate or Turnpike erected

and take Tolls thereat,

so as the same extend not to a double Charge.

hereof, so as the same do not extend to a Double upon any Person passing through any other Gate or Turnpikes erected by virtue of this Act; and all Tolls, collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, to be applied, or may be assigned, in such Manner as is herein after-mentioned.

Such Parts of the Downs, Moors, and Common Fields, &c. throughwhich the Road leads, may be fenced off, to prevent evading the Tolls.

And whereas several Parts of the said Road lead over Downs, Woors, Commons, Common Fields, or Waste Grounds, and the Payment of the Tolls hereby granted may, by reason of the Width of the said Downs, Woors, Commons, or Waste Grounds, be easily avoided; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they see Occasion, fence and ditch off such Parts of the said Downs, Woors, Commons, Common Fields, or Waste Grounds, as they shall think necessary, in order to prevent the Payment of the said Tolls or Duties being evaded.

No Turnpike to be removed, except by Order of 13 Trustees.

And it is hereby enacted by the Authority aforesaid, That no Turnpike to be erected by virtue of this Act shall be taken down or removed, except by Order of Thirteen Trustees at the least, at a Meeting of the said Trustees, whereof Ten Days Notice shall be given in the Salisbury News Paper, as aforesaid, and also by the Clerk or Clerks to the said Trustees, to be affixed on all the Turnpikes then erected on the said Road.

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

And be it further enacted, That the said Turnpikes and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be actually got and provided by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Road, shall be and are

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 the said Trustees, or any Five or more of them, or 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 Thing thereto belonging, 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 Road.

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 Nine or more of them, shall, in the first Place, pay and discharge all the Expences and Costs relative to procuring and passing this Act, and shall apply the Remainder of the Money so raised in erecting such Gates or Turnpikes, and Toll-houses, and repairing, widening, altering, and amending, the said Road, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Trustees may reduce the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to vary, lessen, or reduce all or any of the Tolls hereby granted, and for such Time or Times, as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and to order and direct such Tolls so lessened and reduced, or advanced, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such First Meeting, unless the Person or Persons who shall be intitled to the greater Part of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Ten Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then

then erected by virtue of this Act, and also published in the Salisbury News Paper, as aforesaid, of the Intention to make such Reduction.

Person's paying Toll at any Gate, on any Division of the Road, may pass and repass Toll-free the same Day at any other Gate upon the same Division.

And be it enacted by the Authority aforesaid, That if any Person shall pay the respective Tolls by this Act granted, for the passing of any Carriage or Cattle, at any Gate or Turnpike that shall be erected by virtue of this Act, upon, in, across, or on the Side of, that Part or Division of the said Road lying between the present Turnpike Road at Weyhill and Uphaven, such Person, upon producing a Note or Ticket of the Day, denoting such Payment, and at what Gate the same was made, shall be permitted to pass, return, and repass, with the same Carriage or Cattle, Toll free, through the same, or any other Gate or Turnpike upon that Division of the said Road, 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; and so in like Manner, if any Person shall pay the respective Tolls by this Act granted, for the passing of any Carriage or Cattle at any Gate or Turnpike which shall be erected by virtue of this Act, upon, in, across, or on the Side of, that Part or Division of the said Road, lying between Uphaven and the present Turnpike Road at Lyde-Way aforesaid; such Person, upon producing such Note or Ticket, as aforesaid, shall be permitted to pass and repass, with the same Carriage or Cattle, Toll-free, through the same, and every or any other Gate or Turnpike on that Division of the said Road, at any Time or Times during the same Day, to be computed as aforesaid; which said Notes or Tickets the Collectors or Receivers of the said Tolls at the several Gates or Turnpikes to be erected by virtue of this Act, are hereby required to give gratis, if demanded.

Tolls to be paid but Once a Day.

Provided always, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, through any One Turnpike to be erected by virtue of this Act; but all and every such Person and Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass, with such Horses, Cattle, Beast, or Carriage, Toll-free, during such Day, to be computed as aforesaid, through the respective Gates or Gate where such Payments or Payment respectively were or was made; which Notes

or

or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Half Toll to be taken between *Uphaven* and *Lyde-way*.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That in caſe any Turnpike or Toll-gate be, at any Time during the Continuance of this Act, erected between Uphaven and Lyde-way, that no more than One Half of the Tolls by this Act granted ſhall be taken, for the Paſſage of any Cattle or Carriage, through any Gate or Gates, upon or on the Side or Sides of the ſaid Road, between the Turnpike or Toll-gate which ſhall be erected at or near Uphaven and Lyde-way; but that all Perſons having paid the ſaid Half Toll, and producing a Note or Ticket denoting the Payment thereof, which the Perſon receiving the ſaid Half Toll is hereby required to give gratis, ſhall, upon Payment of the other Half of ſuch Toll, be permitted to paſs and repaſs in the ſame Day, through the Turnpikes or Toll-gates which ſhall be erected upon the ſaid Road, at or near Uphaven; any thing herein before contained to the contrary notwithſtanding.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing within, or in relation to the ſaid Road, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons from Year to Year, or for any Term of Years not exceeding Seven Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Truſtees, or any Nine or more of them, ſhall direct or appoint; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Penalty on Perſons avoiding the Tolls.

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

take off, or cause to be taken off, any Horse or other Beast, from any Carriage, or having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, Common Field, or Place, lying by the Side of, or near to, the said Road, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, Common Field, or Place, not being a publick Highway, shall knowingly and wittingly permit or suffer any Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, Common Field, or Place, in order, or with Intent, that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall do any other Act, in order, or with Intent, to avoid the Payment of the said Tolls, or any Part thereof; such Persons, and every of them, so offending, shall, for every such Offence, forfeit and pay the Sum of Three Pounds, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to distrain any Horse or Horses, Beast or Beasts, or Goods belonging to, or in the Possession or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of; and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they shall or shall not appear before him, in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or

Tolls may be levied by Distress and Sale.

Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of distraining the same, and of such Conviction; and after Payment thereof to render the Overplus of the Money arising by such Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession, they respectively was or were when so distrained as aforesaid; and if no such Distress as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Toll, shall be levied and raised by such Means and in such Manner as are herein after mentioned and provided for the levying and raising of Penalties and Forfeitures imposed by this Act; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied.

Exemptions from Tolls.

Provided always, and it is hereby enacted, That no Tolls shall be taken for any Horse, Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compost of any Kind, for manuring of any Garden, or other Land or Ground; nor shall any Toll be taken at any Time for any Horse, or other Cattle or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials for repairing the said Road, or for repairing any of the Highways in any of the Parishes or Places in which any Part of the said Road is situated, or employed in the plowing, sowing, tilling, cultivating, or stocking of any Land or Ground in any of such Parishes or Places; or in the Carriage or Conveyance of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Grounds of the Owner or Owners thereof, in any of the said Parishes, or drawing or conveying any Plough, Harrow, or other Implements of Husbandry; or for any Horse, or other Cattle or Beast, going to or from Water or Pasture within the said Parishes or Places; or for the Horses of any Officers or Soldiers upon their March, or for any Horse or other Cattle or Beasts employed in the Conveyance or Carriage of their Arms or Baggage; or in the conveying of Vagrants sent with legal Passes; or for any Post Horse carrying or drawing the Mail; or for any Horse or other Cattle, drawing or not drawing, employed in the carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the

the Shire to ſerve in Parliament for the ſaid Counties of Southampton and Wilts, on the Days of ſuch Election or Elections, or on the Day before or Day after any ſuch Election ſhall begin or be concluded.

Penalty on Perſons making illegal Claims.

Provided always, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Three Pounds.

Tolls may be aſſigned for Money borrowed.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, at their Firſt or any ſubſequent Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow and take up at Intereſt ſuch Sum and Sums of Money as they, or any Nine or more of them, ſhall think fit; and may, and are hereby impowered to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof (the Tolls and Charges of ſuch Aſſignments or Mortgages to be paid out of ſuch Tolls, as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance the ſame) by the following Words of Aſſignment under their Hands, or by any other Words for that Purpoſe.

Form of Aſſignment.

BY virtue of an Act made in the Year of the Reign of His Majeſty King *George* the Third, for we of the Truſtees, do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in Conſideration of the Sum from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be repaid, ſuch Proportion of the Tolls ariſing by virtue of this Act, between as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

Aſſignments to be entered in a Book.

And a Copy of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; and all and every Perſon or Perſons, to whom any ſuch Aſſignment or Aſſignments ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or tranſfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of

Aſſignments may be tranſferred.

ſuch

ſuch Scrutity, before One credible Witneſs, the following Words, or Words to the like Effect:

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſts now due unto his Executors, Adminiſtrators, or Aſſigns. Dated this Day of

Witneſs *G. H.* *J. K.* Form of the Transfer.

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments; for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of One Shilling; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and in caſe any Sum or Sums ſo aſſigned ſhall not exceed the Sum of One hundred Pounds, it ſhall and may be lawful to and for the reſpective Perſon or Perſons then intitled to ſuch Aſſignment reſpectively, by an Indorſement of his, her, or their proper Name, without Witneſs, to transfer his, her, or their Property in ſuch Aſſignment or Aſſignments to any other Perſon or Perſons, without any Entry to be made thereof in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments; and all ſuch Transfers and Aſſignments ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignments reſpectively, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof; and all and every Perſon and Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls (on the Credit whereof ſuch Sum or Sums are advanced) in equal Degree

Entries to be made of all Aſſignments.

Clerk's Fee.

No undue Preference to be given.

gree one with another, and shall have no Preference in respect of the Priority of any such Monies.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Roads, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from time to time to remove any or either of such Officers, and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act; and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then and in either of the

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officer refusing to account, may be sued; or, if Complaint be made,

Cases

Caſes aforeſaid ſuch Truſtees, or any Five of more of them, may, and are hereby authorized and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of ſuch Truſtees, or in the Name or Names of any Five or more of them, againſt the Officer or Officers, and Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, reſpectively; or, if Complaint ſhall be made of any ſuch Refuſal or Neglect, as aforeſaid, to any One or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the Truſtees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without any Fee or Reward) it ſhall appear to ſuch Juſtice or Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers, Perſon or Perſons reſpectively: And if no Goods or Chattles of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining the ſame, then and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol for the County or Place where ſuch Offender ſhall reſide or be apprehended, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or

Juſtices may enquire into the Default;

and levy the Balance by Diſtreſs and Sale;

and commit the Offender,

until he shall conform, &c.

more of them, are hereby impowered to make, or until he shall deliver up such Books, Papers, and Writings, as aforesaid, and give Satisfaction in respect thereof, to the said Trustees, or any Five or more of them.

Officers not to gain a Settlement under this Act.

Provided always, That no such Collector, Surveyor, or other Officer or Person, shall gain a Settlement in any Parish or Place, by reason of his being appointed to or serving under this Act.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, or other Officer or Officers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall appoint.

Trustees may appoint Officers, tho' not at a publick Meeting.

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

No Victualler, &c. to have a Place of Profit.

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c. from Waste Grounds, without paying for the same; levelling the Pits;

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Five 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 Furze, Heath, Chalk, Gravel, Stone, or other Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste, Common, Down, or Moor, in any Parish, Town, or Place, in, adjoining to, or lying near the Road aforesaid, to be used in repairing the said Road, without paying any thing for the same, they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from which such Materials shall be taken, or causing the same to be done; And if such Quantities of the Materials aforesaid

sufficient

sufficient for that Purpose, cannot be found in or upon such Rivers or Brooks, Waste, Common, Down, or Moor, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of such Materials proper and sufficient for that Purpose, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park or Paddock used for keeping of Deer, or a Nursery for Trees) they the said Surveyors, or other Person or Persons, paying, or offering to pay, 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 Five 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 as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in the County where and from whence such Materials shall be digged, gathered, taken, and carried away, shall and may adjudge, assess, and finally determine the same.

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.

Provided always, That nothing in this Act contained, shall extend, or be construed to extend, to impower the Surveyor or Surveyors, or any Person whatsoever by them or any of them appointed, to search for, dig, gather, take, or carry away, any Materials for repairing the said Roads, or any Part thereof, from, or to enter upon and break up, any Maiden Down, if a sufficient Quantity of proper Materials can be had, from or out of any Waste Grounds or Arable Lands, within the Distance of One Mile from such Part of the said Road where such Materials are to be used; and in case such sufficient Quantity of Materials cannot be found within the Distance aforesaid, then, not without the special Directions in Writing of Three of the said Trustees not interested in the Premisses, and signed by them, who are hereby required personally to view the said Maiden Down before they sign such Directions; any thing herein contained to the contrary notwithstanding.

Maiden Downs not to be broke up, if Materials for Repair of the Roads can be had within 1 Mile, out of Waste Grounds, or Arable Lands;

and also not without special Directions, and View of 3 Trustees not interested.

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,

Surveyors may make Causeways,

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 Road; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across the said Road, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or 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 Part of the said Road hereby intended to be repaired (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repaired, 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 Five or more of them, shall seem reasonable.

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Road, and to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Six 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 of any Justice of the Peace for the County or Place, who is hereby required to grant the same, 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

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice,

Charges to be reimbursed the Surveyor.

Charges

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 such Justice, which Oath such Justice is hereby authorized to administer, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be recovered in Manner aforesaid. 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 Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed; and the Charges thereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Person or Persons, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied. 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 be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be and are hereby fully empowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Road through any Wood, Down, or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Trustees may contract for the Purchase of Lands to be taken into the Roads. Bodies Politick, &c. to contract for Sale of such Lands.

Femes

Femes Covert, Infants, or Iſſue unborn, Lunaticks, Ideots, or other Perſon or Perſons whatſoever, and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act; and if any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads are intended to be diverted, turned, or altered, ſhall, for the Space of Ten Days next after ſuch Notice given or left, 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 ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage and Recompence to be inquired into and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands and Hereditaments do lie; 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 require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every ſuch Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes; which Oath any Two or more of the ſaid Truſtees are hereby impowered

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

Damages to be ſettled by a Jury.

impowered to adminiſter; and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View, or otherwiſe, uſe all Ways and Means, as well for their own, as for the ſaid Jury's Information of the Premiſſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever: And for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County wherein ſuch Lands or Hereditaments do lie, commanding him to impanel, ſummon, and return an indifferent Jury of Twenty four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impanelled, 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, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, 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 Power, from time to time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, or Bailiffs

Verdict of the Jury to be binding.

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

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined, or to give Evidence, and which Fine or Fines shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; so that no such Fine be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Fine not to exceed 5 *l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon Account of the Road so intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert, or turn, such Road through such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be diverted, or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair, in such Manner as the Road hereby appointed to be repaired is, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some

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

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Village, Town, or Place, to which ſuch new Road doth not lead, ſhall be veſted in, and ſhall and may be ſold and conveyed by, the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Repair of that Part of the ſaid Road ſo diverted and turned; but this Act ſhall not extend to the taking down any Dwelling-houſe or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithſtanding.

Buildings, &c. not to be injured.

Provided always, That no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for or purchaſing of any Lands or Hereditaments, wherein he ſhall be particularly concerned or intereſted.

Truſtees not to act where intereſted.

Provided alſo, That if any new Road ſhall be made as aforeſaid, inſtead of any former Road, over any Moor or Waſte Ground, the Inhabitants of the Pariſh or Place ſhall not be obliged to repair ſuch former Road, unleſs the ſame doth lead to ſome Town or Place with which ſuch new Road doth not communicate.

Where a new Road ſhall be made, Inhabitants not liable to repair the former Road, except, &c.

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the ſaid Road, or any Bridge or Bridges therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the making of this Act; and that all the Inhabitants of the Townſhips, Pariſhes, Tythings, and Places in which any Part of the ſaid Road lies, and all other Perſons liable to perform the Work, commonly called Statute-work, upon the ſaid Road, ſhall remain ſubject to the Performance of ſuch Work; and every Perſon who ſhall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, ſhall be deemed to keep a Team for every Fifty Pounds per Annum ſo held and occupied, and ſhall be liable to perform ſuch Statute-work as Perſons keeping Teams are obliged by Law to do. And that the reſpective Surveyor or Surveyors of the Highways for the reſpective Townſhips, Pariſhes, Tythings, and Places, in which any Part of the ſaid Road doth lie, or in caſe no ſuch Surveyor is or ſhall be appointed, the Churchwardens or Overſeers of the Poor of ſuch Townſhips, Pariſhes, Tythings, and Places, ſhall yearly and every Year, within Ten

Perſons liable to do Statute-work, to continue ſo.

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

Surveyors to deliver in Liſts of Perſons liable to do Statute-work.

Days

Days after Demand made to him or them reſpectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands (and verify the ſame on Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered to adminiſter) of the Chriſtian and Surname of every Perſon who, within ſuch reſpective Townſhips, Pariſhes, Tythings, and Places, are liable to do Statute-work, and ſhall diſtinguiſh in ſuch Liſts which of ſuch Perſons ſhall, or 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; and the Statute-work ſhall be done by all ſuch Perſons, on ſuch Parts of the ſaid Road hereby intended to be repaired, as lie within the ſaid reſpective Townſhips, Pariſhes, Tythings, and Places, in ſuch Manner and at ſuch Times as the ſaid Truſtees, or any Five or more of them, or the ſaid Turnpike Surveyor or Surveyors, ſhall, from time to time, direct and appoint, ſo that no more than Four nor leſs than Two Days Work ſhall be done by any One Perſon or Team on the ſaid Road, in any One Year: And the ſaid Surveyor or Surveyors of the Highways, Churchwardens or Overſeers of the Poor, for ſuch Townſhips, Pariſhes, or Places, reſpectively, within Ten Days after Notice ſhall be given to him or them by ſuch Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of ſuch Perſons are to do ſuch Work, upon any Part or Parts of the ſaid Road, ſhall give publick Notice thereof to ſuch Perſons: And if any Surveyor, Churchwarden, or Overſeer of the Poor, for any ſuch Townſhip, Pariſh, Tything, or Place, aforeſaid, ſhall neglect or refuſe to do as he is hereby directed and required, every ſuch Surveyor, Churchwarden, or Overſeer, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Five Pounds: And every Perſon who ſhall neglect or refuſe to do ſuch Work, at ſuch Times and Places, and in ſuch Manner, as ſhall be appointed by the ſaid Truſtees, or any Five or more of them, or by ſuch Turnpike Surveyor or Surveyors, every ſuch Perſon ſhall forfeit and pay the reſpective Sums herein after-mentioned; that is to ſay, Every Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; And every other Inhabitant or Perſon not keeping, or being

Penalty on Surveyors neglecting to deliver in ſuch Liſts, &c.

and on Perſons not performing Statute-work.

being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Six Pence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come or been sent to do such Work, and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Penalties before-mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Tythings, or Places, Churchwardens, or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, Tythings, or Places, first had, at a Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants, upon any Part of the said Road; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound with Parishes for Statute-work.

Application of the Money.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-stones, otherwise than upon Wheel

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

Carriages or Sledges; or ſhall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on the ſaid Road; every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered and required to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up, in, upon, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription that ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by One or more Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offences ſhall be committed, which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward, every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Houſe of Correction for any Space not exceeding One Month, nor leſs than Fourteen Days, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender to be dealt with according to the Directions of this Act.

Penalty on defacing Mile-ſtones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed, if the Manner

of

of Levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalty on Officers neglecting their Duty.

And it is hereby further enacted by the Authority aforesaid, That if any High Constable, Petty Constable, Headborough, Tythingman, or other Person whatsoever duly authorized for that Purpose, shall willingly, knowingly, or contemptuously, neglect or refuse to obey and execute any Summons, Warrant, or other Precept in Writing, under the Hand and Seal, or Hands and Seals, or only signed by, any of the Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, issued out against any Offender or Offenders, for any Offence or Offences committed in Violation of this Act, or shall knowingly, wittingly, and willingly, permit and suffer such Offender or Offenders to escape out of Custody;

by; every ſuch High Conſtable, Petty Conſtable, Headborough, Tythingman, or other Perſon ſo authorized, offending in the Premiſſes, ſhall, for each or every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety to the Informer, and the other Moiety thereof to the ſaid Truſtees, or to their Treaſurer or Treaſurers, to be applied for and towards the amending and repairing of the Road in this Act mentioned, to be levied on ſuch Perſon or Perſons, in the ſame Manner as the other Penalties and Forfeitures are in and by this Act directed to be levied; and the ſaid Truſtees, or any Five or more of them, may and are hereby impowered to direct their Treaſurer for the time being to reimburſe ſuch Conſtable, or other Officer or Officers, for his or their Loſs of Time, Trouble, or other neceſſary Expences in the due Execution of his or their Duty, in purſuance of this Act, ſuch Sum or Sums of Money as ſuch Truſtees ſhall think fit, and out of ſuch Tolls or Duties as ſhall be collected by virtue of this Act.

Truſtees may reward ſuch Conſtables, &c.

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

Form of Conviction.

BE it remembered, that on the in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the County aforeſaid (ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.) Given under our Hands and Seals the Day and Year aforeſaid.

And whereas Doubts have been made on the Validity of Contracts entered into by Truſtees appointed by Acts of Parliament for ſurveying and amending Turnpike Roads, or building Bridges, their Clerks, Treaſurers, or other Officers, with Workmen and other Perſons, touching the Repair of the ſaid Road or Bridges; and whether as ſuch Truſtees, and thoſe acting under them, do not actually ſuſtain any ſpecial Damages, any Damages can be recovered againſt the Parties making Default in fulfilling ſuch Contracts; for obviating the ſame, be it further enacted by the Authority aforeſaid, and it is hereby declared, That all Contracts in Writing entered

tered into purſuant to an Order at any Meeting made by the ſaid Truſtees hereby appointed, or hereafter to be appointed, or any Five or more of them reſpectively, by their Clerk, Treaſurer, or Surveyor, or other Officer, with any Workmen, or other Perſon or Perſons, ſhall be binding upon all ſuch Parties as ſhall ſign the ſame, his and their Executors and Adminiſtrators; and that Actions and Suits in the Names of the ſaid Truſtees, or any Five or more of them, or in the Name of their Clerk, Treaſurer, or other Officer, may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof; and that the Sum of Money requiſite for putting the ſaid Road or Bridges into ſuch Condition and Repair, or for building ſuch Bridges as by the ſaid Contracts the ſaid Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action againſt ſuch Contractor as aforeſaid, and making Default in fulfilling his ſaid Contract; any Law or Uſage to the contrary notwithſtanding.

Perſons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Four Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Ten Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer of that Part of the ſaid Roads where ſuch Cauſe of Complaint ſhall ariſe, and within Four Days after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and

10 Days Notice of Appeal to be given.

the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes.

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

or 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 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; but 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 the Behalf of the Party diſtraining, before ſuch Action brought.

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

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

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

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 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.

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 immediately 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.

Proceedings to be entered in a Book.

And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, at their ſeveral Meetings,

to be held by Adjournment, or upon Notice to be given by the Clerk, or, in caſe of his Neglect or Default, by Five Truſtees as aforeſaid, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings when entered, ſhall be ſigned by the ſaid Truſtees, or any Five or more of them; and the ſaid Orders and Proceedings ſo ſigned ſhall be deemed and taken to be Original Proceedings; and ſhall and may be produced and read in Evidence, in all Caſes of Appeals, Suits, Actions, or other Proceedings, touching any thing done by the Authority of this Act. Books to be read in Evidence.

Provided always, and be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty one Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Nine Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the Counties of Hants or Wilts, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may at his Election plead ſpecially, or the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendants ſhall recover Treble Coſts; and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

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

FINIS.