Anno secundo

Georgii III. Regis.

An Act for amending, widening, altering, and keeping in Repair, the Road from the South End of *Sparrows Herne* on *Bushey Heath*, through the Market Towns of *Watford*, *Berkhampsted Saint Peter's*, and *Tring*, in the County of *Hertford*, by *Pettripher's Elms*, to the Turnpike Road at *Walton*, near *Aylesbury*, in the County of *Bucks*.

WHEREAS the Road leading from the South End of Sparrows Herne on Bushey Heath, through the Towns of Watford, King's Langley, Berkhampsted Saint Peter's, and Tring, in the County of Hertford, to the Turnpike Road at Walton, near Aylesbury, in the County of Bucks, is a common High Road, and, by reason of many heavy Carriages passing and repassing thereon, the said Road is become very ruinous, and in several Places narrow and incommodious; also, in Time of Floods and great Rains, for want of Bridges and safe Fords, Travellers and Carriages cannot pass and repass without great Danger: And whereas the same cannot be effectually amended, widened, altered, and kept in Repair by the ordinary Methods appointed by the Laws now

Preamble.

now in being; For Remedy whereof, and that the ſaid Roads may, with all convenient Speed, be effectually amended, and hereafter kept in good and ſufficient Repair: 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 Edward Aſhwell, the Reverend Francis Ayſcough D. D. the Reverend John Alexander Clerk, Thomas Plumer Byde, Thomas Beech of North End, John Aſkell Bucknall, Edmund Boehm, Roger Boehm, David Barclay of Abbott's Langley, David Barclay the younger, Edward Barker, James Brydges, William Barker, Thomas Barnes, Hugh Barker Bell, Eliſha Biſcoe, John Brewer of Weſtwood, Eſquires; Henry Belfield, William Birchmore, William Brown, John Bentley, Richard Burgis, Joſeph Baldwin, George Bickerton, Thomas Barker, Thomas Bigg, Chriſtopher Bewley, William Brown of London, Samuel Burch, Richard Brigginſhaw, Gentlemen; the Reverend Daniel Burton D. D. the Reverend John Bridle D. D. the Reverend John Ball, the Reverend John Boyce, the Reverend Thomas Bland, Clerks; the Right Honourable James Earl of Clanbraſſill in the Kingdom of Ireland; Richard Cavendiſh, James Clitheroe, George Richard Carter, Francis Capper, George Carpenter, Richard Capper, Henry Cooley, Windmills Crompton, Edward Chaloner, Alexander Croke, Eſquires; George Clemaſon, Roger Chilton, Vincent Loa, Giles Crompe, Thomas Clutterbuck, Gentlemen; the Reverend Samuel Jubb Collins, the Reverend Nicholas Charrington, Clerks; the Right Honourable Sir Francis Daſhwood Baronet, William Drake, Marſhe Dickinſon, Arnold Duncombe, John Marſhe Dickinſon, Charles Delaet, Robert Darell, Philip Durell, William Deacle, Eſquires; Thomas Day of London, Cornelius Denn, John Deere, Thomas Deacon the elder, Thomas Deacon the younger, Theophilus Darley, John Dyſon, William Day, John Dell, Eliſha Deacon, John Dagnall, Gentlemen; the Reverend Thomas Drake LL. D. Welbore Ellis, Timothy Earle of Rickmerſworth, Thomas Egerton, Iſaac Eeles, William Ewer, George Eaſt, Thomas Eaſt, Eſquires; Thomas Eames, Thomas Emmott, Weſton Eve, William Eayres, John Elcock, John Ewins, Gentlemen; the Reverend Ellis Clerk, the Honourable William Finch, the Honourable John Finch, Beverſham Filmer, John Cope Freeman, Eſquires; John Franklin, Henry Finch of Redheath, William Franklin, Edward Finch the elder,

Truſtees Names.

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elder, Edward Finch the younger, John Finch, William Firth, Gentlemen; the Right Honourable James Lord Viscount Grimston in the Kingdom of Ireland, the Honourable Harbottle Grimston, the Honourable George Grimston, Sir Bennet Garrard Baronet, Charles Gore, John Gore, Charles Orlando Gore, Thomas Gore, Henry Green, Richard Grape, Thomas Gape, Samuel Gumley, Edward Gould, John Gethin, Esquires; Thomas Godfrey, Joseph Green, William Ginger, John Goodwin, Mordecai Goodwin, Thomas Groome, Thomas Greenhill, James Greenhill, Jacob Glover, William Grover, Thomas Geary, David Graham, Henry Gregory, William Goddard, John Garrett, Gentlemen; the Reverend Thomas Gee Clerk, the Honourable Robert Hampden, the Honourable Edward Hervey, Jacob Houblon, Jacob Houblon the younger, Fraser Honeywood, Frederick Halsey, Francis Hervie, George Halsey, Richard Hale, Richard Hucks, Richard Bard Harcourt, John Hadley, Richard Hopkins, James Harding, William Hallett, William Hallett the younger, William Hayton, James Hallett, John Harding, Thomas Howard, Thomas Hill, Esquires; William Hayton the younger, John Holliday, Williams Hazledine, Simeon Howard, Daniel Howard, Joseph Howard, William Hulme, William Horwood of Buckland, William Horwood of Dancer's End, William Horwood, William Howard, William How, Thomas Hudson, Gentlemen; the Reverend Joshua Hill of Watford Clerk, Thomas Ingoldesby Esquire, William Jarman Gentleman, the Reverend James Ibbetson D. D. the Reverend Dr. Jubb D. D. the Reverend Rowland Johnson, the Reverend John Jeffreys, the Reverend David Jenkins Clerks; John Dashwood King, Thomas Wolley Kentish, Esquires; Richard Keen of Norcott Hill, Thomas Knowlton, John Kingston, James Kipping, John King the elder, John King the younger, Gentlemen; the Reverend Keller Clerk, Sir William Lee Baronet, Richard Lowndes, Charles Lowndes, Caleb Lomax, Henry Lovibond, William Lowndes of Winslow, William Lowndes of Chesham, Verney Lovett, Samuel Leighton-house, Lee, Esquires; Thomas Littleton, John Lewin, James Lewin, Francis Lewin, Thomas Lamb, Jonathan Cox Lovett, Joseph Lane, Matthew Littleton, Henry Lovett of Garston, Gentlemen; the Reverend John Lockman, the Reverend Edward Lucy, Clerks; the Honourable John Mordaunt, Sir Philip Monoux Baronet, John Merrey, Joseph Musgrave, William Minshull, Thomas Meadows, Richard Mead, John Marriott, Samuel Moody, Esquires; Thomas Munns, Richard Marshall,

Thomas Marriott, Gentlemen; Thomas Neat of Aldenham, Thomas Herbert Noyes, Eſquires; Robert Nicholl, Thomas Nicholl, Thomas Nicoll of Neeſden, John Newman, Joſeph Newman, Gentlemen; John Oſborn of Saint Albans, Scroope Ogilvie, Gentlemen; the Honourable Sir William Beauchampe Proctor Knight of the Bath; George Pearſe, George Pembroke, Charles Pawlett, Richard Pearce, Armſtead Parker, Newdigate Poyntz, Richard Phripp, Eſquires; Humphry Payne, James Pope, Daniel Parrett, Theed Pearſe, James Patten, Joſhua Pickerſgill, John Perkins Surgeon, Edward Price, Gentlemen; the Reverend William Pittman D. D. the Reverend David Price, the Reverend William Pugh, the Reverend Richard Penn, the Reverend John Pittman, Clerks; Sir John Ruſſell Baronet, Richard Richardſon, John Revett, James Revett, Lomax Ryder, Thomas Ryder, Ambroſe Reddall, Godolphin Rooper, Eſquires; Jones Redman M. D. Henry Ray Gentleman, the Reverend Decimus Reynolds, the Reverend John Ramſay, Clerks; the Honourable Sir William Stanhope Knight of the Bath, Sir John Saunders Seabright Baronet, Sir Thomas Saluſbury Knight, Coulſon Skottowe, Charles Stewart, John Seare of Grove, William Sharp, Thomas Sheppard, Matthew Skinner, John Skey of Aldenham, John Somner, Eſquires; Henry Tombes Smith of Saint Albans, Hugh Smith, William Swannell, Robert Shackell, James Stracy of London, Thomas Smart, Charles Sayer, Thomas Saunders, Jeremiah Smith of the Nether Weld, William Smith, Richard Smith, Samuel Smith, John Smith, Thomas Smith, Thomas Smith the elder of Great Gaddeſden, Thomas Smith the younger, Stephen Salter, Thomas Darell Shorte, Joſeph Skidmore, John Surrey, John Shipton, Iſaac Shipton, Gentlemen; the Reverend John Stirling D. D. the Reverend John Stephens D. D. the Reverend Richard Smith Rector of Aldbury, the Reverend Robert Smith, Clerks; Thomas Tower, John Thompſon, John Tomlinſon, George Jarvis Tapps, Henry Tompkins, Eſquires; Daniel Tombes, John Edlin Tuach, Gentlemen; the Reverend John Tayler D. D. the Reverend William Timbrell Clerk, the Right Honourable Ralph Earl of Verney, in the Kingdom of Ireland; Sir John Vanhattem Knight, Paul Vaillant, Thomas Vaux, Eſquires; the Honourable Boyle Walſingham, the Reverend Sir Gilbert Williams Baronet, John Wilkes, Willis, William Wickham, Thomas Wittewronge, Hezekiah Walker, Thomas Whitfeld, Whitfeld the younger, Nicholas Weſcomb, David Williams, Samuel Whitbread, Ive Whitbread,

Wilſon

Wilſon of Garſton, Hale Wortham, Henry Fotherley Whitfeld, Eſquires; Clerke Wilſhaw M. D. George Wright, George Wilkins, John Wingfield, William Wankford, Henry Wankford, Henry Wankford of Buſhey Lodge, Gentlemen; the Reverend Stephen Walſh, the Reverend Richard Wells, the Reverend William Wroughton, the Reverend Edward Woodcock, Clerks; ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, amending, widening, altering, and keeping in Repair, the ſaid Roads, and alſo for putting in Execution all other the Powers in and by this Act given and granted, ſo far as the ſame relate to the ſaid Roads.

Qualification of Truſtees.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, ſituate, lying, or being in the ſaid Counties of Hertford and Bucks, One or both of them, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred and twenty Pounds above Reprizes, or ſhall be poſſeſſed of, or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds, and unleſs the Perſon, not being ſuch Heir Apparent as aforeſaid, ſhall take and ſubſcribe the Oath following, before any Two or more of the ſaid Truſtees (who are hereby authorized and required to adminiſter the ſame) before he takes upon himſelf to act in the Truſts and Authorities of this Act; which Oath ſhall be in the Words, or to the Effect following; that is to ſay,

The Oath.

I *A. B.* do ſwear *(or, being a Quaker, do affirm)* That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, ſituate, lying, or being in the Counties of *Hertford* and *Bucks*, One or both of them, or poſſeſſed of or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds, after all my Debts are paid.

So help me GOD.

And

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the 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, Suit, or Information, 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 qualified as aforesaid, or otherwise shall pay the Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in such Manner as other the Penalties and Forfeitures are herein after directed to be applied: And that the said Trustees, at all their Meetings to put this Act and the Powers hereby in them vested in Execution, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Times and Place of Trustees Meeting

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Nine or more of them, shall meet together at the House of John Butler, known by the Sign of the King's Arms, in the Town of Berkhampsted Saint Peter's aforesaid, the First Wednesday in the Month of July One thousand seven hundred and sixty two, and shall proceed to the Execution of this Act; and shall afterwards adjourn themselves, and meet again at such Time or Times, Place or Places, in or near the said Roads so to be repaired, as the said Trustees, or any Five or more of them, or a Majority of such Trustees so met, shall think proper, as often as it shall be thought necessary for putting this Act in Execution; and the said Trustees, or any Five or more of them, shall meet on the First Wednesday in the Month of July yearly, in the Town of Berkhampsted Saint Peter's aforesaid. And if it shall happen that there shall not appear, at any such Annual or other Meeting, a sufficient Number of Trustees to act, then the Clerk to the Trustees shall adjourn such Meeting to that Day Three Weeks, from the Time of such last appointed Meeting, and to be holden at the same Place: And in such Case, the Clerk to the said Trustees shall affix, or cause to be affixed, public Notice in Writing, and or upon all the Turnpike-gates which shall be erected by virtue of this Act, of the Time when and Place where such next Meeting is appointed to be held, at least Ten Days after such Annual or other Meeting was so appointed

pointed to be holden: And in caſe the Clerk to the Truſtees ſhall refuſe or neglect to give ſuch Notice ſo as aforeſaid, that then it ſhall and may be lawful for any Five or more of the ſaid Truſtees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after ſuch Neglect or Refuſal of their Clerk having firſt intervened) to appoint ſuch Truſtees to meet at the ſame Place that the ſaid Meeting was or ought to have been holden on that Day Three Weeks before; which ſaid Notice ſhall be in Writing, and ſhall be affixed at or upon all the Turnpike-gates which ſhall be erected by virtue of this Act, and the ſame ſhall be deemed and taken to be ſufficient Notice of any ſuch Meeting. In caſe the Clerk ſhall omit giving Notice, Truſtee to do it.

Provided always, That no Truſtee appointed or to be elected ſhall be capable of acting as a Truſtee for the Purpoſes aforeſaid, except it be at ſome Meeting appointed to be held in purſuance of this Act, and except in the particular Caſes only herein before and herein after expreſly mentioned and directed; and any Perſon or Perſons, appointed or to be appoined a Truſtee or Truſtees in or by virtue of this Act, having or accepting of any Place of Profit ariſing out of the Tolls and Money by this Act made payable, ſhall be incapable of acting as a Truſtee or Truſtees, in or under this Act, during his Enjoyment of any ſuch Place of Profit. Truſtees not to act except at a publick Meeting. No Truſtee to accept of any Place of Profit ariſing from the Tolls.

And be it further enacted by the Authority aforeſaid, That ſuch of the Truſtees appointed or to be 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 ſuch Truſtee or Truſtees. Truſtees in the Commiſſion of the Peace may act as Juſtices.

And be it further enacted by the Authority aforeſaid, That when and as often as any of the Truſtees named or appointed by virtue of this Act, ſhall die, or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Nine or more of them, met on Notice given as herein after is mentioned, and being the Majority of ſuch as ſhall be then preſent, by Writing or Writings under their Hands and Seals, to elect, nominate, and appoint, One or more other fit Perſon or Perſons to be a Truſtee or Truſtees in the room of ſuch Truſtee or Truſtees ſo dying or refuſing to act; and that the ſaid Truſtees ſhall elect, nominate, and appoint, ſome other fit Perſon ſo qualified as aforeſaid, who ſhall live and reſide within the ſame County wherein ſuch Truſtee ſo dying or refuſing to act lived and reſided; and Notice of On Death, &c. of Truſtees, others to be choſen.

14 Days Notice of Election to be given.

the Time and Place of the Meeting, for the Election of ſuch new Truſtee or Truſtees, ſhall be given by the Clerk or Clerks to the Truſtees, by affixing the ſame in Writing at or upon all the Turnpike-gates which ſhall be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; which Notice ſhall contain the Names and Places of Abode of the Perſons ſo dead, or refuſing to act; and all and every ſuch Perſon and Perſons who ſhall be ſo choſen and appointed as aforeſaid, to be joined with the ſurviving or remaining Truſtees, ſhall and may, and he and they is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the Truſtees hereby particularly named are authorized and impowered to do.

Truſtees may erect Turnpikes and Toll-houſes;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gates or Turnpikes in, upon, or acroſs, the ſaid Roads, or any of them, between Sparrows Herne aforeſaid, and a certain Place or Mill called Bourne End Mill, next to Boxmoore, (except between the Bottom of Chalk Hill next Watford Bridge and Naſcott Farm-Houſe, in the Town of Watford) and alſo One or more Gates or Turnpikes between the ſaid Mill called Bourne End Mill, and a certain Place called Pettipher's Elms, in Walton, in the Pariſh of Aylesbury aforeſaid; and alſo to erect a Toll-houſe to each Gate or Turnpike; or rent or hire any Houſe or Houſes, for ſuch Time as they ſhall think proper, for the Habitation of any Collector or Collectors of the Tolls hereby made payable; and ſhall and may demand, receive, and take, at every ſuch Gate or Turnpike, the Tolls or Duties following, before any Carriage, Horſe, Beaſt, or other Cattle whatſoever, ſhall be permitted to paſs through any Turnpike to be erected upon or croſs any of the ſaid Roads, between the reſpective Places herein before mentioned; that is to ſay,

and take the following Tolls thereat.

The Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt, drawing any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Hearſe, Waggon, Cart, Wain, or other Carriage, Three Pence.

For every Pack-horſe, or other Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt laden, Three Half-pence.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt, not drawing or laden, One Penny.

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

And for every Drove of Calves, Swine, Sheep, or Lambs, 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 or Duty; and the Money ſo to be raiſed and collected ſhall be and is hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be paid, applied, and diſpoſed of, and aſſigned, to and for the ſeveral Uſes, Intents, and Purpoſes, and 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 and may be lawful for the Perſon or Perſons who under this Act ſhall be appointed to collect the ſame, to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt, upon which ſuch Tolls are by this Act impoſed, or any of the Carriages drawn by ſuch Horſe, or other Cattle or Beaſt, or the Goods or Chattles of ſuch Perſon or Perſons who ſhall refuſe to pay ſuch Tolls, and to detain and keep the ſame, until ſuch Tolls, with the reaſonable Charges of detaining and keeping the ſame, ſhall be paid: And if ſuch Tolls, and the reaſonable Charges of ſuch detaining and keeping, ſhall not be paid within the Space of Three Days next after ſuch Diſtreſs made and taken, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Cattle, Beaſts, Carriage, or Goods, ſo diſtrained, or any Part of ſuch Goods, returning the Overplus (if any ſhall be) upon Demand, to the Owner thereof, after ſuch Tolls, and all reaſonable Charges occaſioned by ſuch Diſtreſs, Detainer, and Sale, ſhall be deducted and paid.

Tolls veſted in the Truſtees.

Tolls to be levied by Diſtreſs and Sale.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect, or cauſe to be erected, upon and croſs any Street, Lane, or Way, leading into any Part of the ſaid Roads (other than and except ſuch Part of the ſaid Road as lieth between the Bottom of Chalk Hill next Watford Bridge, and Naſcott Farm Houſe, in the Town of Watford, One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes; and ſhall or may at their Diſcretions alſo cauſe to be erected, hired, rented, or provided, a Toll-houſe or Dwelling for ſuch Perſon who ſhall be appointed

Truſtees may erect Side-gates,

or

or ſtationed to collect the Tolls hereby made payable, upon or adjoining to the ſaid Roads, at or near each of the Places where the ſaid Bars, Gates, Fences, or Turnpikes, ſhall be erected; and there collect, take, and levy, or cauſe to be collected, taken, and levied, ſuch Tolls as are by this Act made payable, ſo as the ſame do not extend to a double Charge upon any Perſon or Perſons paſſing the ſame Day, though any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat, ſo as the ſame extend not to a double Charge.

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

And be it further enacted by the Authority aforeſaid, That the ſaid ſeveral Bars, Gates, Fences, or Turnpikes and Toll-houſes, which ſhall be erected by virtue of this Act, and the Rights and Properties of, in, and to the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and 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 or Gates, Bars, Fences, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, which ſhall, by virtue of this Act, be erected upon, rented or hired in, acroſs, or on the Sides of, the ſaid Roads, or any Part thereof, or any of the Materials of which the ſame ſhall be made, built, or conſiſt, or that ſhall be brought to any Place for the building or repairing of the ſame.

Application of the Money.

And be it further enacted by the Authority aforeſaid, That out of the firſt Money that ſhall be received, or ariſing from the Tolls or Duties by this Act 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 all Coſts and Charges in procuring, obtaining, and paſſing this Act; as well as for the admeaſuring, ſurveying, and planning the ſaid Road, or any Parts thereof, or otherwiſe incidental thereunto; and ſhall apply the Remainder of the Money which ſhall be received, raiſed, or borrowed, in erecting Turnpikes, and Toll-houſes, or for the Rent and Hire of ſuch Houſes ſo to be provided for ſuch Collectors, and for amending, widening, altering, and keeping in Repair, the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the Execution of this Act, and the Truſts hereby created.

Truſtees may leſſen the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any

any Nine or more of them, at any General Meeting, with the Consent of the Person or Persons who, for the time being, shall advance any Money on the Credit of this Act; to lessen from time to time, as shall be thought proper, any of the Tolls or Duties by this Act payable, for such Time as they shall think proper; and such Tolls or Duties, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied: And the said Trustees, or any Nine of more of them, shall and may afterwards, at any General Meeting which shall be had of them, if there shall be Occasion, again advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before first appointed to be paid.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable, for the passing of any Carriage, Cattle, or Beast, through any Gate or Turnpike, to be erected by virtue of this Act between Sparrows Herne aforesaid, and a certain Place or Mill called Bourne End Mill, next to Boxmoore; the same Person, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through all or any the Gates or Turnpikes, to be erected between the Places aforesaid, with the same Carriage or Cattle, and Beasts drawing the same Carriage, without paying any further or other Tolls or Duties, 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 likewise upon paying Once for passing Once in any One Day (to be computed as aforesaid) through any Gate or Turnpike to be erected by virtue of this Act between the said Mill called Bourne End Mill, and a certain Place called Pettipher's Elms in Walton, in the Parish of Aylesbury aforesaid, shall be permitted at any Time or Times, during the same Day, to pass, and repass through all or any the Gates or Turnpikes to be erected between the Places last before-mentioned, with the same Carriage or Cattle, or Beasts drawing the same Carriage, upon producing a Note or Ticket as aforesaid, without paying any further or other Tolls or Duties; which said Notes or Tickets the Collectors of the said Tolls are hereby required daily to provide, and give gratis on Receipt of the Toll.

Corn and Grain going to Market to pass Toll free.

And be it further enacted by the Authority aforesaid, That no Tolls or Duties by this Act granted, shall be paid for any Waggons, Wains, Carts, or other Carriages,

riages, or Horses or Beasts drawing the same for for any Horse or other Beast carrying the Driver of such Carriages (provided the same is not used in drawing such Carriages, or any of them, on any Part of the said Roads) passing to any, or returning from either, of the Market Towns of Watford, Hemelhempsted, Berkhampsted Saint Peter's, Tring, and Aylesbury aforesaid, on the several and respective Market Days on which such Markets are or shall be kept in the Towns aforesaid, such Waggons or Carriages being laden with Corn and Grain only, not wrought or manufactured.

Penalty on Persons passing forcibly through the Gates.

And be it further enacted by the Authority aforesaid, That if any Person, liable to the Payment of any of the Tolls aforesaid, or any Part thereof, shall forcibly pass, or attempt to pass, any of the said Gates or Turnpikes where such Tolls ought to be paid, every such Person shall, for every such Offence, forfeit the Sum of Ten Shillings; and it shall be lawful for the Collector of the Tolls, at any such Gate or Turnpike, or any other Person in his Absence, or being by him required to aid and assist him, to apprehend every such Offender or Offenders, and immediately to convey him or them before any Justice of the Peace for the Recovery thereof.

Inhabitants of *Bushey* and *Watford* to pass through those Parishes for Half-tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons being a Parishioner or Parishioners, and all and every other Person or Persons who shall reside and dwell within the Towns and Parishes of Bushey and Watford aforesaid, to apply to the said Trustees assembled at their First or any other subsequent Meeting, to be holden by Authority of this Act, for Tickets; which the said Trustees, or their Clerks, are hereby required, on Demand, to deliver gratis, either written, printed, or stamped, on Paper, Pasteboard, Parchment, or Metal, to be signed or stamped by their Clerk, and to be numbered and dated (which said Numbers and Dates, together with the Persons Names to whom delivered and granted, shall be entered in some Book to be kept only for that Purpose, and signed by the Clerk to the said Trustees, and countersigned in the said Book by One or more of the said Trustees) whereby the said Parishioners and Inhabitants, so long as they shall reside and dwell in the said Towns and Parishes of Bushey and Watford aforesaid, or either of them, shall be permitted, with their Servants, Horses, Carts, and all other their Carriages and Cattle whatsoever, upon producing such Tickets, and not otherwise, to pass and repass through any Gate or Gates, Turnpike or Turnpikes, which shall or may be erected in pursuance of this

this Act upon the said Roads, or on the Sides thereof, between Sparrows Heame aforesaid, and a certain Place called Hunton Mill Knapp, and so far thereon only as the said Parishes of Bushey and Watford shall extend, at and for One Moiety or Half of the Tolls and Duties which are hereby before directed to be received, demanded, or taken, at any such Gates or Turnpikes by virtue of this Act; any thing contained herein to the contrary notwithstanding; Persons keeping and using Stage Coaches, Post Chaises, Chariots, Berlins, Hearses, or other such like Carriages to let for Hire, only excepted; except when any such Post Chaise or Chariot shall be hired and actually used by some Inhabitant of Bushey or Watford.

Exemption from Tolls.

And be it further enacted by the Authority aforesaid, That over and besides the Exemptions herein before-mentioned, no Toll shall be demanded or taken for any Cattle or Carriage going empty or unloaden for, or returning loaden only with, Clay, Chalk Stones, Bricks, Gravel, Ballast, Sand, Lime, Timber, or other Materials, for repairing the said Road, or any Part thereof, or for repairing the Highways and Bridges in any Parish or Hill through which the said Road hereby directed to be repaired doth lead, or in any of the adjoining Parishes; or for any Cattle or Carriages used or employed only in drawing or carrying of any Dung, Soil, Mould, Rubbish, Compost, or other Manure whatsoever, to be used in manuring or improving of any Lands, being the Produce of or from the Straw, Hay, or Fodder, arising from, or growing on, or dug in, or drawn out of, such Lands as lay in such Parishes or Hills, or any Grass or Hay, or Corn in the Straw to be laid or stacked up in the Houses, Out-houses, Barns, Yards, or Grounds, of any Person or Persons inhabiting within the several Parishes and Hills in which any Part of the said Road hereby directed to be repaired doth lie (but not to exempt any Carts or Carriages loaden with Hay or Straw trussed or bound, or not trussed and unbound, sold, or for Sale); nor shall any Toll be demanded or taken of any Person or Persons inhabiting within the Parishes and Hills aforesaid, who shall be going to, or returning from, their Parish Church, or attending the Funeral of any Person who shall die in any of the said Parishes or Hills to such their Places of Interment wherein such Person dwelt or died; nor for any Ploughs, Harrows, or Implements of Husbandry, or other Utensils whatsoever employed therein, or in manuring or stocking of Lands within the several Parishes and Hills aforesaid; nor shall any Toll be demanded or taken for any Horse, Cattle, or other

Beast,

Beast, going to or returning from Water or Pasture, or Sheep or Lambs going to or from any Wash, Brook, Dyke, River, Water, or other Place used for washing of Sheep, or to or from any Place used for the clipping or shearing of Sheep, or to or from any Place for suckling of Lambs, or folding or foddering of Sheep near the said Roads; or for any Post-horse or Vehicle carrying the Mail or Packet; or for the Horses of any Officers or Soldiers who are on their March, or for Cattle and Carriages attending them with their Arms or Baggage, or for Horses or Carriages travelling with Vagrants sent by Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or other Carriages, drawn by Horses, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Hertford or Bucks, on the Day or Days of such Election, or on the Day before or Day after the taking and ending the Poll at any such Election shall be begun or be concluded.

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 forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be recovered and applied in such Manner as the other Penalties hereby inflicted are herein after directed to be recovered and applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose (whereof Twenty Days Notice shall be affixed in Writing upon all the several Turnpikes which shall be erected in pursuance of this Act) may, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to lease, demise, and let to farm, the several Tolls by this Act granted, or any Part or Parts thereof, together with the Toll-houses, all or any of them, for any Term of Years not exceeding Three Years, for the best Price that can be gotten for the same, payable at such Times by such Person or Persons as shall be willing to take and rent the same, in such Manner, and under such Covenants, and with such Securities for the due Payment of the Rent agreed, and true Performance of the Covenants on such Lessees Part, as the said Trustees, or any Nine or more of them, shall think fit, such Lessees signing and sealing a Counterpart or Counterparts; which Money and Rent so to be agreed upon shall be applied in

such

ſuch Manner, and to ſuch Uſes, as the Tolls by this Act granted are directed to be applied, and to no other Uſe or Purpoſe whatſoever.

Notice to be given for borrowing Money.

Provided always, and it is hereby further declared and enacted, That no Money ſhall be borrowed on the Credit of this Act by the ſaid Truſtees, at their Firſt or any ſubſequent Meeting, unleſs Notice in Writing under the Hand of the Clerk to the ſaid Truſtees, be, by Order of ſuch Truſtees, or any Five or more of them, for that Purpoſe fixed upon all the Turnpikes erected by virtue of this Act, and on the common Market Houſe in the Town of Hemel Hempſted aforeſaid, at leaſt Twenty one Days before the borrowing of ſuch Money.

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

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors which ſhall be by them appointed, or any or either of the ſaid Surveyors, or any Perſon or Perſons who ſhall be by the ſaid Truſtees, or by the ſaid Surveyor or Surveyors employed for that Purpoſe, may and are hereby authorized and impowered to dig, pick, gather, cut, take and carry away, any Gravel, Flints, Chalk, Furze, Heath, Sand, Stones, or any other Materials proper for repairing and amending the ſaid Roads, out of any Common or Waſte Ground in any Pariſh, Town, Townſhip, Hill, or Tything, lying near any Part of the ſaid Road, without paying any thing for the ſame; ſuch Surveyor or Surveyors cauſing to be levelled, or otherwiſe to be fenced about, all ſuch Holes or Pits from whence ſuch Materials ſhall be digged, drawn, gathered, and taken away, in ſuch Manner as that the ſame may not be dangerous for Carriages, Cattle, or Travellers: And alſo that it ſhall and may be lawful to and for the ſaid Surveyor and Surveyors, and ſuch Perſon and Perſons as he and they ſhall appoint (ſuch Surveyor or Surveyors firſt having an Order from any Five or more of the ſaid Truſtees for that Purpoſe) to enter into the Lands and Grounds of any Perſon or Perſons (not being a Garden, Orchard, antient Meadow, Park, Paddock, Court Yard, Farm Yard, Rick Yard, planted Walk or Walks of Trees, Lawn, or Avenue to any Houſe, or Piece of Ground incloſed, planted, and ſet apart as a Nurſery for Trees) and there to ſearch for, dig, draw, gather, take and carry away, ſuch Materials as they ſhall think proper for repairing the ſaid Road; paying ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken and carried away, or over which the ſame, or any other

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.

Materials for the Repair of the said Road shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, at their next General Quarter Session, or at the Second General Quarter Session at the furthest, to be holden for the County or Liberty, wherein such Matter of Difference shall arise, and on Six clear Days Notice thereof in Writing to be given by the said Surveyor or Surveyors to the said Owners or Occupiers, or by the Owners or Occupiers to the said Surveyor or Surveyors, as the Case may be, or to be left at their respective Places of Abode, with some One of their respective Families, shall hear, settle, and determine, the Matters of the said Damages; whose Judgement and Order therein shall be final and conclusive to all Parties.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, owning or occupying any Lands or Grounds which shall adjoin or lie near to any of the said Gates or Turnpikes which shall be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons to go or pass through any Gate, Passage, Field, Inclosure, or private Way, with any Coach or other Carriage, or any Horse or other Cattle; or if any Person or Persons shall go or pass through any such Gate, Passage, Field, Inclosure, or Private Way, with any Carriage or Cattle as aforesaid; or if any Person or Persons shall offer, give, lend to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or the Tickets for half-toll, to the Inhabitants of the Parishes of Bushey and Watford; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or leave or cause to be left upon any Part of the said Roads any Horse or other Cattle (having travelled Part of the said Roads on the same Day) with Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or shall interrupt or disturb any Person or Persons, who shall be employed by the said Trustees, or their respective Surveyor or Surveyors, in searching for, digging, drawing, or gathering, any Materials for repairing any of the said Roads; that then every Person so offending in any of the Cases aforesaid, and being thereof convicted upon the Oath of One or more Witness or

Penalty on Persons going thro' or permitting private Passage,

or giving or receiving Tickets;

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

or Witnesses, before One or more Justice or Justices of the Peace of and for the County or Liberty where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby required and impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his and their own Use and Uses, and the other Moiety thereof shall go and be applied towards the amending, altering, and widening, the said Roads; but that nothing herein contained shall extend to hinder or restrain the Right Honourable the Earl of Essex, or the Owners of Cassiobury Park, or the Right Honourable the Dowager Lady Essex, or the Owners of Russel Farm, his, her, or their Tenants, or such other Person or Persons as he, she, or they shall think fit, and give Liberty so to do, to pass from and through the same with Horses or other Cattle, Carts, or any Carriage whatsoever; nor John Askell Bucknall Esquire, or the Owners or Occupiers of Wigganhall Bridge for the time being, from permitting any of their Tenants or Occupiers of Lands or Grounds under him or them, to pass over the said Bridge with Horses or other Cattle, Carts, or any Carriage whatsoever, or such other Person or Persons on Horseback, or with Coaches, Chariots, or Chaises, to and from the said Towns of Bushey and Watford, as he, she, or they, shall think proper, and give Liberty so to do.

Persons exempted from forfeiting.

And, for the more speedy amending, widening, altering, and keeping in Repair the said Roads, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up at Interest any Sum or Sums of Money as they, or any Nine 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 Duties, or any Part or Parts thereof, and all or any of the Toll-houses when erected and built, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sum or Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid, and other the incidental Charges as aforesaid, being thereout first paid) shall be laid out and applied in and for the

Tolls may be assigned for Money borrowed.

amending, widening, altering, and keeping in Repair, the ſaid Roads, in ſuch Manner as the ſaid Tolls or Duties are hereby directed to be laid out and applied, and to or for no other Uſe or Purpoſe whatſoever.

Entries to be made of all Aſſignments.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, ſo to be made as aforeſaid for ſecuring ſuch Sum or Sums of Money, ſo to be lent on the Credit of the Tolls as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks; which ſaid Book or Books ſhall or may be ſeen or peruſed at all ſeaſonable Times by any of the Truſtees, or Creditors of the ſaid Tolls, without Fee or Reward: And all and every Perſon and Perſons to whom any ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, ſhall be made as a Security for any Sum or Sums of Money lent or advanced on the Credit of the ſaid Tolls, or any Part thereof, as aforeſaid, and his, her, or their reſpective Executors or Adminiſtrators who ſhall be intitled to the Money thereby ſecured, ſhall (ſo far as the ſaid groſs Sum ſhall extend) be, and are hereby declared to be, Creditors on the ſaid Tolls in equal Degree one with another, and without any undue Preference to either; and may from time to time, by proper Words of Aſſignment to be indorſed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, aſſign and transfer his, her, and their Right, Title, Intereſt, and Benefit, to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; which ſaid Indorſement and Transfer, or Aſſignment, ſhall be produced and notified to the Clerk or Clerks within Two Months next after the Date thereof; who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Parties Names, and Sum of Money therein mentioned to be transferred, in the ſaid Books to be kept for entering the ſaid original Mortgages or Aſſignments; for which ſuch Clerk or Clerks ſhall be paid the Sum of Six Pence, in caſe the ſame doth not exceed One hundred Words, and after ſuch Entry made, ſuch Indorſement, Aſſignment, or Transfer, ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof, or the Payment thereon; and ſuch Aſſignee may in the like Manner indorſe, aſſign, or transfer the ſame again, and ſo toties quoties; and it ſhall not afterwards be in the Power of ſuch Perſon or Perſons who ſhall

make

make such Indorsement, Assignment, or Transfer, to make void, release, and discharge the same, or any Money thereby due, or any Part thereof.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, present at any Meeting, shall, and they are hereby authorized and impowered to elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Receiver, or Collectors or Receivers, of the Tolls by this Act made payable, and a Surveyor or Surveyors, and such other Officer or Officers as the Trustees, or any Nine or more of them, shall think necessary or convenient to employ in the Execution of this Act; and from time to time to remove or displace such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, from their Offices, as they shall see Occasion, and to elect and appoint others in the Rooms and Places of such of them who shall be so removed, or shall die; Notice of the Time and Place of Meeting for that Purpose being fixed on the Turnpikes erected by virtue of this Act, at least Fourteen Days before any such new Election; and may and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to such Officers, and other Persons who shall be assisting in or about the repairing, widening, altering, and keeping in Repair the said Roads, or any Part thereof, or otherwise employed in putting this Act in Execution, or in preventing any Abuses contrary to the Intent thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable: And in case of the Death of any of the Collectors or Receivers of the Tolls to be collected at any of the Gates or Turnpikes by the Authority of this Act, or of their wilful or negligent absenting themselves from their Duty, or Resignation of their Places, without previous Notice given to the said Trustees at any former Meeting, or to the Clerk, of such their Intention, it shall and may be lawful for any Three or more of the said Trustees, so qualified and acting as aforesaid, residing nearest to the Gate where such Collector or Receiver died, absented, or resigned, to appoint, by Writing under their Hands and Seals, any other Person able to supply the said Place, and receive the said Tolls, and do all other Acts as Collector or Receiver, until such Notice can be given; and such Nomination, new Election, and Appointment can or ought to be made, at such Meeting to

and remove them, and appoint others.

Trustees to allow Officers Salaries.

be appointed in Manner as aforesaid, by Authority of this Act.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every such Officers and other Persons, who shall be employed in or intrusted with the Receipt or Expenditure of any Money arising by this Act, shall from time to time, as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, or by any Person or Persons by their Order, produce, render, and give up to them the said Trustees, or any Five or more of them, or to such Person by their Order, full, true, and fair Accounts, in Writing, of all Monies which shall have been by them respectively collected or received by virtue of this Act, and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, applied, or disposed of, and produce proper Vouchers for such Payments; and shall and are hereby respectively required to pay all such Money as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or authorize to receive the same; and that all and every the said Officers and Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, being Justices of the Peace of the County or Liberty wherein they shall be then sitting, are hereby authorized and impowered to administer to such Officers and Persons respectively) verify their Accounts, Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if

Officers refusing to account,

any of the said Officers or Persons, so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give such Account or Accounts as aforesaid, or to verify the same upon Oath as aforesaid, or to produce and deliver up to the said Trustees, or any Five or more of them, all Receipts and Vouchers relating to the same, or shall refuse or neglect to pay such Money 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, or any Five or more of them, shall direct or appoint; then, and in any of the Cases aforesaid, the said Trustees, being Justices of the Peace as aforesaid, or any Two or more of them, or any Two other Justices of the Peace of the County or Liberty wherein such Officer or Person shall be or reside, are hereby authorized and required, by Warrant

or

or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them; and upon his or their appearing, or not being to be found, such Trustees or Justices are hereby required to make Enquiries concerning any such Default, in a summary Way, and to settle the Account or Accounts, if produced, of every such Officer and Officers, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done: And if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices are hereby impowered to administer) it shall appear to such Trustees or Justices, that any of the said Monies, which 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 Justices are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Trustees or Justices, at the Time and Place by them appointed for that Purpose, upon Notice thereof in Writing under the Hands of any Three or more of the said Trustees, or One of such Justices, being delivered to such Officer or Officers, Person or Persons, or left at his or their Place or Places of Abode respectively; or, if appearing, shall refuse or neglect to deliver to the said Trustees or Justices such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Trustees or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may and are hereby required, by a Warrant or Warrants under his or their Hands and Seals, to commit such Officer or other Person to the Common Gaol of the County or Liberty where such Officer or other Person shall be or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled

Justices may enquire into the Default, &c.

and commit the Offender.

his or their reſpective Accounts, and verified the Items thereof upon Oath, and ſhall have produced and delivered up the Receipts, Books, and Vouchers, relating to ſuch Accounts reſpectively, and all other Books, Bills, Papers, and Writings, in his or their Power or Cuſtody, belonging to the ſaid Truſt, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in thoſe Reſpects have been made, together with all Coſts and Expences the ſaid Truſtees have been put unto in recovering thereof, or ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Compoſition-money which ſhall be ſtipulated to be paid to the ſaid Truſtees, or their Treaſurer; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby authorized and impowered to make.

Penalty on Clerks, &c. neglecting to deliver up Books.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, who have been or ſhall be appointed a Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or any Five or more of them, being thereunto required by the ſaid Truſtees, or any Five or more of them (either by a perſonal Demand, or by Writing under their Hands left at the laſt uſual Place of Abode of ſuch Clerk or Clerks, Treaſurer or Treaſurers) at a certain Time and Place to be appointed, all the Books, Papers, and Writings in their Cuſtody or Power, relating to the Truſts and Powers hereby granted to the ſaid Truſtees, it ſhall and may be lawful for any Two Truſtees, being Juſtices of the Peace, or any other Two Juſtices of the Peace for the County or Liberty wherein ſuch Clerk or Treaſurer ſhall reſide or dwell, by Warrant under their Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the County or Liberty wherein he or they ſhall dwell, there to remain without Bail or Mainprize, until he or they ſhall deliver, or cauſe to be delivered, to the ſaid Truſtees, or any Five or more of them, or to their Order, all and every the ſaid Books, Papers, and Writings, or ſhall have given a ſatisfactory Account relating to the ſaid Books, Papers, and Writings.

Treaſurers to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, are hereby authorized and required to take ſuch Security from the Treaſurer, and other Officers whom they ſhall reſpectively appoint to receive or pay any Monies by the Authority of this Act, for the due Execution of their re-

respective Offices, as the said Trustees, or any Nine or more of them, shall think proper.

No Victuallers &c. to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping any Inn, Alehouse, or other Publick House of Entertainment, or who shall sell Ale, Wine, Brandy, or any other Liquors by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other Publick House of Entertainment, or shall sell Ale, Wine, Brandy, or any Liquors by Retail.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them appointed or employed, may and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, first obtaining a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeways or Fences in or along the Side or Sides of any Part or Parts of the said Roads, for Foot Passengers, or otherwise; and shall and may erect and set up any Posts, or build or cause to be erected or built any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and shall and may dig or cut, or cause to be digged or cut, any Drains, Ditches, or Watercourses, in, through, or across any Lands or Grounds lying contiguous to any Parts of the said Roads; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to make, erect, widen, or alter, any Drains, Trenches, Arches, or Bridges, upon, in, or leading to or out of the said Roads, or any Part thereof; and also to make, or cause to be made, a temporary Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Building stands, or a Garden or Orchard, ancient Meadow, or a Yard, Park, Paddock, or a planted Walk, Lawn, or Avenue to any House or Building, or any Parcel of inclosed Ground set apart and used as a Plantation or Nursery for Trees) to be made use of as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, widening, or altering, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass along the same, and no longer; and also to turn, keep, and use any Water running in-

erect Bridges, &c.

cut Drains, &c.

and make a temporary Road;

to, along, or on the Side of the said Roads, or of any Highway or Lane leading into the same, or any Part thereof, at any Time or Times between the Twenty fifth Day of March and the Twenty ninth Day of September yearly, so as that such Water shall not be absolutely necessary for the watering of Pasture Grounds there, in such Manner as the said Trustees, or any Five or more of them, shall judge necessary; making such reasonable Satisfaction to the Owners and Occupiers of the said Ground respectively, through or upon which any such Arch, Bridge, Causeway, Drain, Ditch, or Trench, shall be made, erected, widened, or altered, or through which such temporary Road shall be made, or from which such Water shall be diverted, turned, or kept, as shall be adjudged reasonable by the said Trustees, or any Five or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Session, or at their Second General Quarter Session at the farthest, to be holden for the County or Liberty wherein such Matter of Difference shall arise, to hear and finally determine the same.

Stream upon which any Mill is erected, not to be turned without Consent.

Provided always, That nothing herein contained shall extend to impower the said Trustees, or any Surveyor or Person employed by them, to turn, divert, or alter the Course or Stream of any Water upon which any Mill or Mills is, are, or shall be erected, without the Consent of the Owner or Proprietor of such Mill or Mills.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order of the said Trustees, or any Five or more of them, from time to time, to remove and carry away all Annoyances, Nuisances, and Obstructions, upon any Part of the Roads aforesaid; and to cut down, lop or top, stock up, and take away, any Trees or Bushes growing in or near any Part of the said Roads, or in the Hedges or Banks adjoining thereto; or cut, new make, and lay down, any such Hedges; and likewise cut, dig, open, scour, cleanse, deepen and enlarge any Watercourses or Ditches, and make any others adjoining or near to any Part of the said Roads, and make the same as deep or large as he or they shall think necessary; in case the Owners or Occupiers of the Premisses shall neglect to cut down, lop or top, stock up, take down and carry away, such Trees, or cut, or new make or lay down, such Hedges and Bushes, or remove such other Annoyances,

the Owners neglecting to remove the same after Notice,

noyances, or the same open, scour, cleanse, deepen, or enlarge such Watercourses or Ditches, for the Space of Ten Days next after Notice in Writing shall be given to such Owner or Owners for that Purpose, or left at their usual Place of Abode, or with the Tenants of the Premisses, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; and in Default of Payment thereof, upon Demand in Writing to be given or left in Manner aforesaid, such Surveyor or Surveyors shall and may, by Warrant or Warrants under the Hands and Seals of Two or more Justices of the Peace of the County or Liberty where the Matters in Dispute shall arise, who are hereby authorized and required, upon Demand, to make and grant such Warrant or Warrants, Oath being first made of such Default or Refusal (from time to time), to levy the said Charges upon such Owner or Owners by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be), and tendering the same to the Owner or Owners thereof, after all reasonable Charges attending such Distress and Sale shall be 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 the Oath of One or more Witness or Witnesses, before Two or more Justices of the Peace for the County or Liberty wherein the Offences shall be committed, such Person or Persons 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, and to be applied in Manner as other Penalties are herein and hereby directed to be applied.

Charges to be reimbursed the Surveyor,

to be levied by Distress and Sale,

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, who of right ought to scour, cast, cleanse, sough, or open, any Brook, Stream, Ditch, Drain, Trench, Cut, or Watercourse, lying or which shall lie in, or lead into or out of, any of the said Roads or Highways hereby directed to be repaired, or any Part thereof, either above or below such Roads, whereby such Roads or Highways receive any Damage, shall not in a proper Manner scour, cast, cleanse, sough, and open, such Brooks, Streams, Ditches, Drains, Trenches, Cuts, and Watercourses, or cause the same to be done or to be begun within the Space of Ten Days next after Notice in Writing shall for that Purpose be given

Owners of Watercourses, &c. neglecting to scour the same,

given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by Order of the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors, and with all convenient Speed continue or cause the said Work to be carried on and finished without any wilful Delay; then, and in either of the said Cases, the said Surveyor or Surveyors may and is and are hereby authorized and impowered to cause such Brooks, Streams, Ditches, Drains, Trenches, Cuts, and Watercourses, to be scoured, cleansed, cast, roughed, and opened, and to pay for the doing thereof: And if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the Service and Work being performed, and Payment of the Money for the same, and Demand thereof so made, and Non-payment and Reimbursement thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Liberty wherein such Work was done and performed, such Surveyor or Surveyors shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, who is hereby authorized and required to grant the same, levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons who shall neglect or refuse to pay the same as aforesaid, together with the reasonable Charges of such Distress and Sale; rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattles which shall be so distrained, upon Demand, after all Charges paid attending the same.

Surveyors may set Men at Work thereon,

and levy the Charge,

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, the Path or Paths, or any Part or Parts of the said Roads, for the better Accommodation of Passengers and Persons travelling either on Foot, or with Horses and Carriages, the said Trustees, or any Five or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, or Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, being contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or other Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers,

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

Occupiers, and Persons interested, or any of them, shall or may any ways sustain, by such widening, turning, or altering any Part of the said Roads; and out of the Tolls or Duties by this Act granted, or out of any Money which shall be borrowed on the Credit thereof, to pay for such Lands, Grounds, or other 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 Five or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, all Feoffees in Trust, Executors, Administrators, Guardians, Committees, and other Trustees whatsoever, for or on Behalf of any Infants, Feme Coverts, Cestuique Trusts, Ideots, or Lunaticks, and all other Persons whomsoever, who are or shall be seised or possessed of, interested in, or intitled to, any such Lands, Grounds, or other Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for the Purchase of such Grounds, Lands, or other Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, 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; and that no Person shall act as a Trustee in any Case relating to the contracting for or purchasing any Lands, Grounds, or other Hereditaments, where he or they shall be personally concerned in Interest.

Bodies Politick, &c. impowered to treat for the Sale of such Lands.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Committees, or any other Person or Persons interested in Lands, Grounds, or other Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or last Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such

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

Bodies Politick, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or other Hereditaments, intended to be taken in, and added to, the said Roads, or into or through which any such Roads shall be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice shall be given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, or otherwise, 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 or Liberty in which such Lands, Grounds, or other Hereditaments, so to be taken in or added, do lie (which Oaths any Two or more of the said 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, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or other Hereditaments, into the said Roads, or of turning such Roads into or through the same; 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, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered and directed 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 Sum or Sums of Money, which shall be so assessed by the said Jury, for such Charges as aforesaid, to be paid to the said Owners or Proprietors of, or other Persons interested in, the said Lands, Grounds, or other Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so to be had and made,

Damages to be settled by a Jury.

made, shall be filed and inrolled by the Clerk of the Peace of such County or Liberty wherein the same shall be taken, at the next General Quarter Session of the Peace to be holden for such County or Liberty after the taking and making thereof, and kept with the Records of such Session, and to be resorted to as Occasion shall require; the Charge of Filing and Inrolment, or of any Copies thereof, not to exceed the Sum of Six Pence for every Hundred Words; and that such Verdict, Inquisition, Judgement, Order, or Determination, or attested Copies thereof under the Hand or Hands of such Clerk of the Peace for the time being, or his Deputy, shall and may be read, admitted, and allowed, as Evidence, in any Court of Record whatsoever, and 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, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or other Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be, 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 the said Trustees, or any Five or more of them, are hereby required to issue out their Warrant or Warrants directed to the Sheriff of the County, or to the Hundredor, or Bailiff of the Hundred or Liberty in which such Lands and Grounds so to be turned, added, or taken in, do lie, thereby commanding and requiring him or them to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said 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 Sheriffs, Hundredor or Bailiff of the Hundred or Liberty, his or their 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, or cause to be sworn, Twelve, to be drawn by Ballot out of the said Twenty four, or such of them as

Verdict of the Jury to be binding.

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

as shall attend, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen appearing, the said Sheriff or Sheriffs, Hundredor or Bailiff of the Hundred or Liberty, his or their Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, who shall and may be sworn and impanelled, so as to complete a Jury to the Number of Twelve; and the Charges of impanelling, summoning, and returning, the said Jury, and of taking the said Inquisition, shall be paid out of such Tolls, as the Purchase-money for any such Lands, or other Hereditaments, is herein before directed to be paid, or out of the Money to be borrowed on the Credit thereof; 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, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Hundredor, Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who 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, shall refuse to give, or shall not give their Verdict, or who shall 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 touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence; and, from time to time, to levy such Fine or Fines in the Manner as any other Forfeitures or Penalties herein before mentioned are hereby directed to be levied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; all which Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to go and be applied.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is and are hereby charged and chargeable upon the Money which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same;

then,

then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons; and after Fourteen Days Notice thereof given to such Persons, or their Agents, personally, or in Writing under the Hand of the said Treasurer, or left at such Person's Place of Abode, or with the Tenant or Occupier of such Lands, Grounds, or other Hereditaments, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, or add to, the said Roads, such Grounds, Lands, or other Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Grounds, Lands, or other Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or other Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforesaid, such Lands, Grounds, or other Hereditaments, shall be laid into, and made Part of, the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or other Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and shall for ever thereafter be Part of the said Roads, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the Roads hereby appointed to be repaired, altered, and widened, are by this or any other Law to be repaired; and after any 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 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 for and towards the repairing and amending the said Roads; and the Sale, Conveyance and Conveyances, to be made of the Lands or Grounds comprised in the old or former Roads, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Liberty wherein such Lands or Grounds do lie, among

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.

the Records of the Session of such County or Liberty, at the Costs and Charges of the said Trustees, at the Rate of Six Pence for every Hundred Words; and of which an attested Copy (to be made and written at the Rate aforesaid) under the Hand of the Clerk of the Peace of such County or Liberty, or his or their Deputy or Deputies, shall be admitted as Evidence in any Court of Record, and shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it further enacted by the Authority aforesaid, That in widening, altering, turning, or diverting, any Part or Parts of the said Road, or making such new or additional Road or Roads as aforesaid, nothing shall be done which shall or may in any ways injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, Lawn, or Avenue to or before any House, without the Consent of the Owner or Owners thereof.

Trustees may make a new Road over any Common, &c.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may turn or alter the Path or Way of any of the said Roads, if they shall think it necessary, through any Common or Waste Grounds, without paying any thing for the same; and the old Road, in lieu whereof such new Road shall be turned or made, shall be vested in the said Trustees, and shall and may be disposed of in the same Manner as is herein before mentioned for disposing of any old Roads, unless such old Roads shall lead through any Common or Waste Ground: And in such Case the old Road shall be vested in the Lord or Lords of the Manors, who have a Right to the Soil and Ground through which the same leads, and no ways to alter or prejudice the Commonage belonging to any of the Commoners or Land Owners thereof; and the said old Roads shall for ever thereafter be and become Part of such Common or Waste Ground, and no Statute-work shall be done thereon.

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

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets, Tills, and Places, Bodies Politick and Corporate, and Members thereof, who before the making of this Act, hath or have used, or of Right ought, or by reason of the Tenure of any Lands or Tenements, and all Persons liable to pay any Rents or Profits, or on any other Account whatsoever, towards the Repair of any Grounds or Lands, or any Part or Parts of the said Roads hereby intended to be repaired; and all Counties,

Liberties,

Liberties, and Persons therein, liable to build or repair any Bridges, Arches, Piers or Parts of Bridges, lying and being in or over any Streams, Brooks, or Waters, in the said Roads, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the Payment of all such Rents and Profits towards the repairing and keeping in Repair the same Grounds and Lands, and the same Parts of the same Roads, and all Bridges or Arches, Piers or Parts of Bridges therein, 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, Tills, and Places, through which the Roads hereby intended to be repaired do lie, who keep and use Carriages and Teams of Horses, or, 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 Works, in such Part of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, Tills, and Places, in which such their Lands and Hereditaments do lie or are situate, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Person or Persons respectively who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of what Nature soever, of the yearly Value of Fifty Pounds, shall be deemed and taken to have a Plough Land, and keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, Tills, and Places, in which such Lands, Tenements, and Hereditaments respectively lie, arise, and are situate, as Persons keeping Teams are obliged by Law, and ought to do.

Inhabitants to do Statute-work.

Persons renting 50*l. per Ann* deemed Team-holders.

Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, to compound and agree with any Person, Body Politick or Corporate, liable or chargeable towards repairing of any particular Part or Parts of the said Roads, or any Bridges, Drains, or Sewers, upon the said Roads, for a certain Sum of Money by the Year, or otherwise, in lieu of any Work or Repairs to be done by any such Person, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise.

Trustees may compound for Statute-work, &c.

And, to the end the ſaid Truſtees may know the Perſons in all the Towns, Pariſhes, Hamlets, Hills, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work on their Highways, and what Sort of Duty they ought reſpectively to do and perform, be it further enacted by the Authority aforeſaid, That the Surveyors of the Highways of and for every of the ſaid Towns, Pariſhes, Hamlets, Hills, and Places, wherein or for which any ſuch Surveyor or Surveyors uſually have been, or ought to be, choſen, or, where there are no ſuch Surveyors, the Churchwardens and Overſeers of the Poor of ſuch Pariſhes, Hamlets, or Places, ſhall, and are hereby required, at the Firſt Meeting of the ſaid Truſtees after the Second Day of February in every Year during the Continuance of this Act (Ten Days Notice of ſuch Meeting being fixed on all the Turnpikes erected by virtue of this Act, and Notice in Writing being alſo given to ſuch Surveyors, Churchwardens, or Overſeers) to deliver upon Oath in to the ſaid Truſtees, or to any Five of them, then and there aſſembled (which Oath the ſaid Truſtees, or any Two of them, are impowered and required to adminiſter) true and perfect Liſts in Writing, fairly wrote, under their reſpective Hands, of the Names of all Perſons in ſuch Towns, Pariſhes, Hamlets, Hills, 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 in and by this Act, or by any other Law in being, be deemed to keep a Draught, Team or Teams, and which of them are Labourers only, and the Number of Draughts or Teams each Perſon is liable to provide and ſend to work on the ſaid Roads; at which Meeting the ſaid Truſtees ſhall declare and order how many Days Work they require to be done on the ſaid Roads, and give Notice thereof to the ſeveral Surveyors.

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

And be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, Hills, or Places, or Churchwardens and Overſeers where there are no Surveyors appointed as aforeſaid, through which the ſaid Roads lead, ſhall not deliver in to the ſaid Truſtees true Liſts of the Names of ſuch Perſons of their ſaid ſeveral Towns, Pariſhes, Hamlets, Hills, or Places, at ſuch Times and Places, and in ſuch Manner, as by this Act is directed and required to be delivered, ſuch Surveyor or Surveyors, Churchwardens and Overſeers, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Forty Shillings:

Penalty on Surveyors neglecting to deliver in ſuch Liſts.

And

And if any or either of ſuch Perſons in the ſaid ſeveral Towns, Pariſhes, Hamlets, Hills, or Places, being obliged or liable by Law to do Statute-work in and upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner, as they ſhall by the ſaid Truſtees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, ſuch Perſons, 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 Perſon who ſhall keep, or by virtue of this Act, or any other Law in being, ſhall be deemed to keep, a Draught or Team, for every Day's Work of each Draught or Team, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or being by virtue of this Act, or any other Law in being, 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 ſhall not conform to the Orders given by the ſaid Turnpike Surveyors, or ſhall be found negligent or idle in the Performance of ſuch Statute-work or Duty, either with their Teams or by their Labour, the Turnpike Surveyor or Surveyors may, and he and they are hereby required to diſcharge ſuch Perſon, with his or their Teams, or from their Labour.

Penalty on Perſons not performing Statute-work.

Perſons found idle may be turned off.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, being authorized and impowered ſo to do by the ſaid Truſtees, or any Five or more of them, may, and are hereby authorized and impowered, to compound with the ſeveral Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, Hills, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, lead, for the ſeveral Days Statute-work to be by them reſpectively done upon the ſaid Roads, at and for ſuch Rates or Sums of Money by the Year, or otherwiſe, as they the ſaid Truſtees, or any Five or more of them, or the Turnpike Surveyor or Surveyors (by the Conſent or Order of ſuch Truſtees and Inhabitants reſpectively) ſhall agree upon; which ſaid Money ſhall be inſtantly paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment, or otherwiſe ſuch Compoſitions ſhall be void.

Truſtees may compound with Pariſhes, &c.

Provided always, and be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the Highways for the time being, or Churchwardens or Overſeers, where no ſuch Surveyors are or ſhall be appointed, of any of the Towns, Pariſhes, Hamlets, Hills,

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

or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, Hill, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways, Churchwardens, or Overseers, to appeal to any Two or more Justices of the Peace at their Special or Petty Session to be held in and for the Division wherein the said Town, Parish, Hamlet, Hill, or Place, doth lie, who are hereby authorized to direct and appoint the Proportion of Statute-work to be done by such Town, Parish, Hamlet, Hill, or Place, on the said Road: And if the said Trustees, or their Surveyor or Surveyors, or the Surveyor or Surveyors of the Highways for such Town, Parish, Hamlet, Hill, or Place, shall think the said Justices, at such Special or Petty Session, have directed or appointed too great or too small a Proportion of Statute-labour to be done as aforesaid, it shall and may be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or for the Surveyor or Surveyors for such Town, Parish, Hamlet, Hill, or Place, to appeal to the General Quarter Session of the Peace next after such Direction or Appointment to be held for the County or Liberty wherein such Highway lies; and the Justices, in their said respective Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, Hill, or Place, shall be done on the Roads by this Act directed to be repaired, either Party so appealing having first given Ten Days Notice in Writing to the other Party of such Appeal: And if the said Justices, in their Quarter Session, shall adjudge such Appeal to be frivolous or vexatious, they are hereby authorized and impowered to award such Costs to be paid by the Party appealing to the Party aggrieved, as the said Justices shall think reasonable.

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

And be it further enacted, That if any Person or Persons shall, during the Continuance of this Act, hale or draw, or cause to be haled or drawn, upon, in, or along the Roads by this Act directed to be repaired, or any Part thereof, any Tree or Trees, or any Piece or Pieces of Timber, otherwise than upon Wheel Carriages, so as to damage the same; every such Person shall, for every Offence, forfeit and pay the Sum of Twenty Shillings.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads to be measured, and Mile-stones, or Posts, to be fixed or set up in, or on the Sides of, the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, remove, dig up, injure, damage, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, and shall thereof be convicted by the Oath of One Witness, before any One or more Justice or Justices of the Peace for the County or Liberty where such Offence shall be committed, every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, removed, obliterated, damaged, defaced, or pulled down; to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more of such Justice or Justices of the Peace for the County or Liberty where the Offence shall be committed, and before whom such Conviction shall be made; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid: And in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles, then it shall and may be lawful for any Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Goal for the County or Liberty, wherein such Offence shall be committed; there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment, and the Person or Persons shall not be discharged till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said Calendar Month: And every such Offender in either of the said Cases shall and may, by 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

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

To be levied by Distress and Sale.

For want of Distress the Offender to be committed.

ſhall be immediately delivered to any Conſtable, or other Peace Officer, within ſuch County or Liberty where the Offence ſhall be committed, who ſhall convey ſuch Offender before any Juſtice of the Peace, to be dealt with according to Law, and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all the Penalties and Forfeitures impoſed or made payable by this Act (other than and except ſuch for the Recovery whereof any other Method or Methods is or are herein before preſcribed) upon Proof thereof, and of the ſeveral Matters, Cauſes, or Things, for which the ſame Penalties and Forfeitures ſhall be incurred reſpectively, before any Juſtice of the Peace of the County or Liberty where the reſpective Party or Parties who ſhall incur ſuch Penalties and Forfeitures ſhall live, either by the Confeſſion of ſuch Party or Parties, or by the Oath of One Witneſs, ſhall be levied by Diſtreſs and Sale of the Goods, Chattles, and Effects, of the Party or Parties ſo incurring, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, which Warrant or Warrants any ſuch Juſtice is hereby authorized and required to grant for thoſe Purpoſes, and to adminiſter ſuch Oath gratis; and the ſame Penalties and Forfeitures, being ſo levied as aforeſaid, or otherwiſe paid, and every Part thereof (other than and except ſuch Parts thereof as are hereby declared to be paid to Informers againſt Perſons for Offences which ſhall be by them committed in Breach of this Act) ſhall from time to time be paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment, and ſhall be laid out and applied in and towards the repairing, altering, and widening, the Roads by this Act directed to be repaired, or in making new Roads and Bridges as aforeſaid, and in keeping the ſame in Repair.

Overplus of the Money to be returned to the Owner.

Provided always, That the Overplus of the Money which ſhall be raiſed and levied by ſuch Diſtreſſes and Sales as aforeſaid, after Payment or Deduction of the reſpective Penalties and Forfeitures for which the ſame ſhall be taken and made, and of the reaſonable Charges of taking and making the ſame, ſhall (if demanded) be paid to the reſpective Owners of the Goods, Chattles, and Effects, which ſhall be ſo diſtrained and ſold; and if no Goods, Chattles, and Effects, of the Perſon or Perſons who ſhall incur the ſaid Penalties and Forfeitures, can be found ſufficient to anſwer the ſame, and the Charges of ſuch Diſtreſſes and Sales (if any ſuch ſhall be taken and made) then and in ſuch Caſe any ſuch Juſtice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch

Perſon

Person and Persons to be committed to the Common Gaol of the County or Liberty where such Person shall live or reside, for any Time not exceeding Two Calendar Months for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Four Calendar Months, nor less than One Calendar Month, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Persons aggrieved may appeal.

And be it further enacted by the Authority aforesaid, 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 at the next General Quarter Session of the Peace for the County or Liberty where the Matter or Thing did arise, 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 Fourteen Days 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 General Quarter Session, upon due Proof of such Notices being given as aforesaid, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and in case there is not Fourteen Days between the Cause of Complaint and the Time of holding the then next General Quarter Session, then to the then next succeeding General Quarter Session; and the Orders and Judgements of the said Justices at such first or next succeeding General Quarter Session (as the Case may be) shall be final and conclusive to all Parties concerned and interested therein.

14 Days Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of the Justices of the Peace, at their General Quarter Session of the Peace, or of any Justice or Justices

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

of the Peace, or of any of the Trustees, which shall be by them respectively awarded or made, in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that no Action or Suit shall be brought or commenced against any Person or Persons, for any thing done or to be done in pursuance of this Act, until Fourteen Days Notice shall be thereof given to the Clerk or Clerks to be appointed by the said Trustees in pursuance of this Act, or to the Person or Persons against whom such Action or Suit is intended to be brought or commenced; and that no Plaintiff or Plaintiffs shall recover in any Action, for any Irregularity, Trespass, or other wrongful Proceedings by virtue of this Act, if sufficient Tender of Amends shall be made by or on Behalf of the Party or Parties who shall or may commit, or cause to be committed, any Irregularities, Trespass, or wrongful Proceedings, before such Action brought.

nor removeable by *Certiorari*.

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

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected, and received, laid out, expended, and paid, by virtue of this Act, and 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; which said Books shall and may be produced, read, and admitted as Evidence, in all Courts of Record, touching any thing done in pursuance of this Act.

Proceedings to be entered in a Book.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, Leases of the said Tolls, or Counterparts 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 of their Clerks, Treasurers, Receivers, Collectors, or Agents, 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, or Justice or Justices of the Peace, or any other Person, by and under them, either or any of them, shall

Writings to be without Stamps.

be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless Trustees present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, altered, or set aside by any subsequent Order of the Trustees, unless as many Trustees shall be present as were present at the making and directing such Order, or that a Majority of such Trustees, so to be met or assembled, on due publick Notices, shall consent to revoke, repeal, alter, or set aside, the same; and that no Act, Matter, Thing, Order, or Determination, of the said respective Trustees, shall be made or done without the Consent of the Majority of the respective Trustees, present at any Meeting to be holden in Manner and pursuant to such Notices as are herein before directed, such Majority consenting not being less than the respective Numbers herein before authorized and impowered to do or make such Act, Matter, Thing, or Determination; and also being a Majority of the whole Number so assembled; and if a sufficient Number of Trustees do not meet by Two of the Clock in the Afternoon of any Day appointed for such Meetings, the same shall be adjourned in Manner as herein before is directed.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance from and after the First Day of July, One thousand seven hundred and sixty two, for 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 by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Calendar 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 or Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial or Trials which

General Issue.

shall

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 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 that Notice thereof was not given of bringing ſuch Action as aforeſaid, or that ſufficient Tender of Amends or Satisfaction was made to the Party aggrieved, 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 Nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts in any other Caſes by Law.

Treble Coſts.

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

FINIS.