Anno ſecundo

Georgii III. Regis.

An Act to continue and render more effectual an Act paſſed in the Thirtieth Year of the Reign of His late Majeſty, for amending, widening, and keeping in Repair, the Road leading from *Burleigh Bridge*, in the Town of *Loughborough*, to *Aſhby de la Zouch*, in the County of *Leiceſter*; and for repairing and widening the Road branching out of the ſaid Road at *Coleorton* Church, over *Coleorton* Moor, and through *Worthington* and *Sutton Bonington*, to *Rempſton*, in the Counties of *Leiceſter* and *Nottingham*.

Preamble, reciting Act 30 *Geo.* II.

WHEREAS by an Act made in the Thirtieth Year of the Reign of His late Majeſty, for amending, widening, and keeping in Repair, the Road leading from Burleigh Bridge, in the Town of Loughborough, to Aſhby de la Zouch, in the County of Leiceſter, ſeveral Tolls or Duties, and divers Powers were given to Truſtees thereby appointed; which ſeveral Tolls or Duties and Powers were to have Continuance from the Day next after the paſſing of the ſaid Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas the ſaid Truſtees, for the more ſpeedy and effectually repairing of the ſaid Road, borrowed upon the Credit of the ſaid Act, the Sum of Two

thouſand five hundred and ſixty eight Pounds; which Sum, together with the Tolls collected, have been duly applied according to the Directions of the ſaid Act, and great Progreſs has been made in amending and widening the ſaid Road; but the ſame cannot be effectually amended and widened, and the Money borrowed be repaid, unleſs the Term and Powers granted by the ſaid Act are further continued, and made more effectual: And whereas the Road branching out of the aforeſaid Road at or near Coleorton Church, and leading from the Town of Coleorton, over Coleorton Moor, through the ſeveral Pariſhes and Liberties of Worthington, Breedon, Newbold, Thringſton, Oſgathorpe, Belton, Shepſhead, Longwatton, and Hathorne, in the County of Leiceſter, and Sutton Boningtton, Normanton, Eaſt Leak, Stanford, and Rempſton, in the County of Nottingham, to Rempſton aforeſaid, is in a ruinous Condition, narrow in many Places, and dangerous to Paſſengers, and cannot be effectually repaired and widened by the preſent Methods preſcribed by Law: In order therefore to render the ſaid Act more effectual for the Purpoſes thereby intended, and for the repairing and widening the ſaid laſt-mentioned Road; May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and every the Tolls or Duties, Powers and Clauſes, therein contained (except ſuch as are hereby varied, altered, or repealed) ſhall be and continue in full Force, and be executed as well for the amending, widening, and keeping in Repair, the Road directed and appointed to be amended and widened by the ſaid recited Act, as alſo the ſaid additional Road herein before particularly deſcribed, and branching out of the Road directed to be amended and widened by the ſaid recited Act, at or near Coleorton Church to Rempſton aforeſaid, for and during all the Reſidue or Remainder of the Term granted by the ſaid recited Act, now to come and unexpired, and from thenceforth for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, as fully and effectually as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term, and the Tolls and Duties hereby granted, are hereby declared to be ſubject and liable to the Payment of all Sums of Money now owing upon the Credit of the ſaid recited Act, and of ſuch other Sum or Sums of Money as ſhall be borrow-

The recited Act further continued for 21 Years.

ed for the Purpoſes of the ſaid recited Act and this Act, and the Intereſt due, and to grow due, on the ſame.

And be it further enacted, That the Tolls or Duties granted and made payable by virtue of the ſaid recited Act, ſhall continue payable as heretofore; and that the following Tolls or Duties ſhall be demanded and taken at every Gate or Turnpike to be erected by virtue of the ſaid recited Act and this Act, in, upon, or acroſs, the ſaid Road branching out of the Road directed to be amended and widened by the ſaid recited Act, at or near Coleorton Church to Rempſton aforeſaid, before any Horſe, Mare, Gelding, Ox, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, Dray, or other Carriage, ſhall be permitted to paſs through the ſame; that is to ſay, Tolls to be taken between *Coleorton* and *Rempſton*.

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

For every Pair of Mill-ſtones, the Sum of Two Shillings and Six Pence.

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, One Penny.

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

And for every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score, and ſo in Proportion for any leſs Number.

Which Tolls or Duties ſhall and may be collected, recovered, and applied, in the ſame Manner as the Tolls or Duties granted or continued by the ſaid recited Act, and this Act, are to be collected, recovered, and applied.

Provided always, and be it further enacted, That no Gate or Turnpike ſhall be erected by virtue of the ſaid recited Act, or this Act, between a certain Cottage in the Parish of Coleorton, called Yarwood's Cottage, and the Turnpike Road leading from Hinckley, over Breedon Brand to Woeful Bridge; or between the South End of a certain Lane, called the Old Meadow Lane, leading from Hathern Field into Long Whatton Field, and a certain Place called Hathern Turn, leading into the Turnpike Road to Loughborough. No Turnpike to be erected between *Yarwood's Cottage* and *Woeful Bridge*, &c.

Provided always, and be it further enacted, That nothing in the ſaid recited Act, or this Act, contained, ſhall exempt any Perſon who ſhall have paid the Tolls or Duties for paſſing with any Cattle or Carriage, through any Gate or Turnpike erected upon the ſaid Road branching Tolls to be paid from *Burleigh Bridge* to *Abby de la Zouch*.

out of the Road directed to be amended and widened by the said recited Act, at or near Coleorton Church to Rempston aforesaid, from the Payment of the Tolls or Duties payable at any Gate or Turnpike, erected upon, in, or across the said Road leading from Burleigh Bridge, to Ashby de la Zouch.

And be it further enacted by the Authority aforesaid, That no Cattle or Carriage shall be exempted from the Payment of the Tolls or Duties granted and made payable by the said recited Act, and this Act, except as follow; that is to say, That no Toll or Duty shall be demanded or taken at any Gate or Turnpike erected, or to be erected, by virtue of the said recited Act, and this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Or, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Chalk, Dung, Mould, Soil, or Compost, of any Nature or Kind (Lime and Compost mixed with Lime, only excepted) to be used in any of the Parishes through which the said Roads lie; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof; or in the Carriage of any Wood for Fuel; or for any Plough, Harrow, Dray, or other Implement of Husbandry; or for any Coaches or other Carriages, 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 County of Leicester, on the Day or Days of such Election; or for any Horse or other Cattle going to or returning from Pasture or Water; or for any Post Horse or Vehicle carrying the Mail; or for the Horses of Officers and Soldiers on their March; or for Carts, Carriages, or Waggons attending them; or for Horses or Carriages with Vagrants sent by Passes; or for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Or, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed by the Inhabitants of the Parish or Liberties of Belton and Merril Grange, in the Carriage of any Lime from Gracedieu, to Belton and Merril Grange aforesaid.

Exemptions from Tolls.

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

Penalty on Persons making illegal Claims.

5 And

And be it further enacted, That the Trustees appointed to put the said recited Act and this Act in Execution, or any Seven or more of them, may, and they are hereby impowered to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through any Gate or Turnpike, erected or to be erected by virtue of the said recited Act, or this Act, with any Cattle or Carriage, for any Sum or Sums of Money, for and in lieu of any of the Tolls or Duties granted by the said recited Act, or this Act; which Composition Money shall, upon such Composition being made, be instantly paid to the said Trustees, or any Seven or more of them, or to such Person whom they shall appoint to receive the same. Trustees may compound with Travellers.

And, for the more speedy and effectual repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the Trustees appointed by the said recited Act, or any Seven or more of them, from time to time, upon the Credit of the Tolls by the said recited Act and this Act granted and made payable, to borrow and take up any such Sum or Sums of Money, as they, or any Seven or more of them, shall think needful, at such Rate of Interest as shall be agreed upon with the Parties advancing the same; and may, and they are hereby authorized any impowered to mortgage or assign over, or by any Writing or Instrument under their Hands to charge or order the Treasurer or Clerk for the time being with, or by any Writing or Instrument under his Hand to charge (which such Treasurer or Clerk is hereby authorized and impowered to do on such Orders) the said Tolls or Duties, Gates, Turnpikes, and Toll-houses, or any Part or Parts thereof, granted by the said recited Act and this Act, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; all which Security and Securities already made or to be made, and the Monies thereby secured brought to Account of the said Trustees, shall be deemed an Assessment and Charge of and upon the Tolls and Duties granted by the said recited Act and this Act; and which said Sums of Money, so to be borrowed, shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls are by the said recited Act and this Act directed to be laid out and applied, and to and for no other Use or Purpose whatsoever. Tolls may be assigned for Money borrowed.

And be it further enacted, That all and every Person or Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, have been made, Assignments may be transferred, and the Manner of doing so.

made, or ſhall be made, or who ſhall be intitled to the Money thereby ſecured, ſhall and may, from time to time, on the Back of his, her, or their Security, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt-money thereby ſecured, to any other Perſon or Perſons whomſoever; and the ſaid original Aſſignment or Security, after ſuch Tranſfer ſhall be made, ſhall be produced and notified to the Clerk or Treaſurer for the time being, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to made of ſuch Aſſignment or Tranſfer, containing the Date, Parties, and Sum of Money thereby mentioned to be transferred, in the Book to be kept for entering the ſaid original Aſſignment, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Six Pence, and no more; and after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors or Adminiſtrators, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties, and it ſhall not be in the Power of ſuch Perſon, who ſhall make ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Money thereby due, or any Part thereof.

Entries to be made of all Aſſignments.

Clerk's Fee.

And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of the ſaid Tolls, Gates, Turnpikes, and Toll-houſes, or any Part thereof, in reſpect to the Priority of advancing ſuch Sum or Sums; but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, Gates, Turnpikes, and Toll-houſes, in equal Degree one with another.

All Creditors to be deemed equal in Degree.

And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree, with the Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted in any of them, ſhall or may in any Ways ſuſtain by ſuch widening, turning, or altering, any Part of

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

ſuch

such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, or for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act; and such Lands, Grounds, or Hereditaments, shall be laid into, and make Part of, the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a public and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, and turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road shall be, and they are hereby vested in the said Trustees, and shall and may be sold by them, or any Seven or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof; and the Money arising by such Sale shall be

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

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

applied and disposed of for the repairing the said Roads; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be damaged.

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

Persons chargeable to Highways, &c. to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, Liberties, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of the said recited Act and this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads thereby and hereby intended to be repaired, or any Bridge or Bridges, shall, notwithstanding the said recited Act and this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, and such Bridge or Bridges, in the same Manner as they or every of them hath or have heretofore usually done, or ought to do; and that if it shall appear to the said Trustees, or to any Five or more of them, that any Lands, or any Rents, Profits, Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing and amending any Part of the said Roads hereby intended to be repaired, such Lands, Tenements, and Hereditaments, Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents, Issues, and Profits, to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for One or more Justice or Justices of the Peace, by Warrant under his Hand

Lands, &c. chargeable to the Highways to continue so.

and

and Seal, or their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods of ſuch Perſon and Perſons who ſhall neglect or refuſe to make ſuch Payment as aforeſaid, returning the Overplus (if any) when demanded, to the Perſon or Perſons whoſe Goods ſhall be ſo diſtrained and ſold; and ſuch Rents and Profits, Sum and Sums of Money, ſhall be applied, from time to time, for repairing the ſaid Roads, and to no other Uſe or Purpoſe whatſoever: And that the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, Liberties, and Places, through which the Roads, by the ſaid recited Act and this Act intended to be repaired, do lie, who by the Laws and Statutes of this Realm are or ſhall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do and perform the ſame Work, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Roads by the ſaid recited Act and this Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, Liberties, or Places, in which ſuch Inhabitants reſpectively live, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and at ſuch Times and in ſuch Manner as the Surveyor or Surveyors by them authorized ſhall direct or appoint; and that every Inhabitant of the ſaid Towns, Pariſhes, Hamlets, Liberties, and Places reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team, and ſhall do and perform ſuch Work in and towards the repairing the Highways of the ſeveral Towns, Pariſhes, Hamlets, Liberties, and Places, in which they reſpectively live, as Perſons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

Perſons renting 50 *l. per Annum*, to be deemed Teamholders.

And, to the end that the ſaid Truſtees may know the Inhabitants of all the Towns, Pariſhes, Hamlets, Liberties, and Places, wherein the Roads by the ſaid recited Act and this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought reſpectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the ſaid Towns, Pariſhes, Hamlets, Liberties, and Places, ſhall, and they are hereby required, at the Firſt Meeting of the ſaid Truſtees after the Twenty fifth Day of March in every Year (or oftener, if thereunto required by the ſaid Truſtees, or any Five or more

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

more of them) during the Continuance of this Act, Fourteen Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of the said recited Act and this Act, to deliver in to the said Trustees true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, Liberties, and Places respectively, who are liable to do their Statute-work or Duty in and upon the said Highways, and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, Liberties, or Places, through which the said Roads lie, shall not deliver in to the said Trustees, or any Five or more of them, Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, Liberties, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, Liberties, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, after Three Days Notice thereof, under the Hand of such Surveyor or Surveyors, being given to such Inhabitants, or left at his or her Place of Abode, or by Word of Mouth, or publick Notice thereof being given in the Church after Divine Service, the Sunday next before such Work is required to be done, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for such Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Six Pence: And any such Person or Persons who shall come to work as aforesaid or Labourers, or be sent with any Team, Draught or

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

Cart, to work on the ſaid Roads for the Repairs thereof, commonly called Statute-work, is or are found idle and negligent, or ſhall not properly perform ſuch Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required, to remove and diſcharge ſuch Perſon or Perſons; and it ſhall be deemed and taken as if ſuch Perſon or Perſons had not come, or ſent any Team, Draught, or Cart, to work on the ſaid Roads; and he, ſhe, or they, ſhall be ſubject and liable to the reſpective Forfeitures, as if he, ſhe, or they, had neglected or refuſed to do or perform the ſaid reſpective Day's Work.

Truſtees may compound for Statute-work, &c.

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

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

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

Penalties and Forfeitures how to be recovered and applied.

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

Persons aggrieved may appeal.

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

Notice of Appeal to be given.

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

Charges of passing this Act to be first paid.

And be it further enacted, That the Charges and Expences of obtaining and passing this Act, shall, as soon as conviently may be, be paid out of the Monies to be raised by virtue of the said recited Act and this Act.

Limitation of Actions.

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

General Issue.

Treble Costs.

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

FINIS.