Anno tertio

Georgii III. Regis.

An Act for repairing the Road from *Newmarket*, over *Newmarket Heath*, to the Turnpike Road leading to *Stump Croſs*, in the Counties of *Cambridge* and *Suffolk*.

WHEREAS the Road leading from the End of Newmarket, towards London, over Newmarket Heath, to the farther Side of the Parish of Fulborne, where the preſent Turnpike Road from Stump Croſs to Newmarket Heath ends, in the Counties of Cambridge and Suffolk, is in a ruinous Condition, and cannot be effectually repaired by the preſent Methods provided by Law; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Philip York, commonly called Viſcount Royſton; the Right Honourable Percy Earl of Thomond, in the Kingdom of Ireland; Sir John Hind Cotton, Preamble.

Truſtees Names.

Cotton, Sir William Bunbury, Sir Thomas Hatton, Baronets; Soame Jenyns, Thomas Brand, Thomas Panton, Jennison Shaftoe, John Affleck, George Montgomerie, William Metcalfe, Stevens Soame, Francis Naylor, William Greaves Beaupre Bell, Christopher Jeaffreson, John Carter, Charles Allix, Martin Folkes, Thomas Charles Bunbury, Rowland Holt, Thomas Watson Ward, Thomas Panton junior, Richard Crop, Marmaduke Dayrell, William Metcalf, James Metcalf, Dingley Askham, Christopher Anstey, James Buller, Thomas Western, Thomas Rombold Hall, John Drage, Thomas Cockayne, Joseph Pike, William Vachell, Thomas Younghusband, Charles Marshall, Esquires; the Reverend Prescot D. D. Russell Plumtre M. D. Richard Godfrey, Thomas Barnard, Gilbert Affleck, James Harris, Thomas Cooke, John Simonds, William Collier, Clement Tookie, William Affleck, Henry Soame, Jeremiah Pemberton, Salt, Thomas Frampton, Thomas Harwell, Bullen, William Sereccle, Clerks; John Isaacson, Jonathan Dickman, Peacock Rickard, Charles Amey, Richard Pechey, William Haylock, William Pitches, Richard Hayles, Thomas Moore, and John Pitches, Gentlemen, and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds; 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: And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Thomas Morley, known by the Sign of the Ram, in Newmarket, on the Monday Three Weeks next after the Day of the Passing of this Act, and shall proceed to the Execution of this Act; and shall then adjourn themselves, from time to time, to such Times and Places as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time or Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Time and Place of Trustees Meeting.

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

Trustees to bear their own Expences.

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

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

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

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

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

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

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

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

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

The Tolls.

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

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

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

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

Tolls veſted in the Truſtees.

Tolls may be levied by Diſtreſs and Sale.

Which ſaid reſpective Sum or Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall appoint to collect the ſame; and the Money ſo to be raiſed is hereby veſted in the ſaid Truſtees, and ſhall be applied in ſuch Manner as is herein after-mentioned: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect the ſaid Tolls, to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt, upon which ſuch Toll is by this Act impoſed, or any of the Goods or Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing; and if ſuch Toll, and the reaſonable Charges of ſuch ſeizing and diſtraining, ſhall not be paid within the Space of Four Days, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſes, Cattle, Beaſts, or Goods, ſo ſeized and diſtrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted.

Diſtreſs may be ſold after 4 Days.

Truſtees may erect Side-gates,

And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side

Side or Sides of the said Road, or upon, in, or across any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted, and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a double Charge upon any Person passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat,

so as the same does not extend to a double Charge.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to cause to be made and erected such Fences as they shall think proper, and of such Length as they shall think necessary, on each Side of any Part or Parts of the said Road, or on each Side of any Gate or Turnpike to be erected by virtue of this Act, or at any other Place or Places, to prevent Persons evading the Payment of the Tolls hereby granted: And if any Person or Persons shall damage or destroy any such Fence, every such Person shall pay the Expence of repairing or restoring such Fence, to be ascertained by the said Trustees, or any Five or more of them; and shall also forfeit and pay, for every such Offence, the Sum of Five Pounds: Which said Expences and Penalty shall and may be levied and recovered in the same Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered; and One Moiety of such Penalty shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Road.

Trustees may erect Fences, &c.

Penalty on destroying such Fences.

And be it further enacted, That the said Gates or Turnpikes and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors for repairing the said Road, shall be, and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk, or to prefer and order and direct the preferring of Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Road.

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

And

Application of the Monies.

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

Proviso.

Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall cause the Road from the Town of Newmarket to a Place called the Devil's Ditch to be first repaired.

Trustees may lessen the Tolls, &c.

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

Tolls to be paid but Once a Day.

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

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons, by the Year or otherwise, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls

Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway, or Compost of any Nature or Kind whatsoever for manuring of any Garden, or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof, or drawing any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the several Townships, Parishes, Hamlets, or Places, in which the Road hereby intended to be repaired doth lie, or drawing any Coaches or other Carriages, or from Passengers on Horseback going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Cambridge or Suffolk; nor shall any Toll be demanded or taken at any Gate or Turnpike to be erected cross any Lane or Way leading out of the Road hereby directed to be repaired, for any Cattle crossing the said Road only; or for any Post-horse or Cattle drawing any Carriage with the Mail; or for the Horses of Officers and Soldiers on their March; or for any Cattle drawing the Carts or Carriages attending them; or for Horses or Cattle drawing Carriages travelling with Vagrants sent by Passes. Exemptions from Tolls.

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

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to, or Penalty on Persons permitting or going thro' private Passage, &c.

receive from, any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Tolls may be assigned for Money borrowed.

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

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Trustees may appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, or any or either of them, from time to time, to remove, and to appoint others, in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons, for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons shall, from time to time (when thereunto required

Officers to account upon Oath.

by

by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall, to that Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment, as aforesaid, then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices may inquire into the Default;

and commit the Offender, until Payment or Composition made.

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

Treasurer to give Security.

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

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

And

Surveyors may dig Gravel, &c. without paying for the same;

And be it further enacted, That the Surveyor or Surveyors, appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads in, upon, out of, or from any Heath, Waste, or Common, in any Parish, Town, or Place, in, adjoining to, or lying near the Road aforesaid, to be used in repairing the said Road, without paying any thing for the same;

levelling the Pits.

they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials

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

shall be taken, or causing the same to be done; and if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Heath, Waste, or Common, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park,

making Satisfaction to the Owners of the Grounds.

Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall

Justices to determine Differences.

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

And

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

Surveyors may make Causeways, &c.

and erect Bridges, &c.

make a temporary Road.

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Road, and to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace, for the County where the Offence shall be committed, from time to time to levy the Charges thereof upon such Owners or Occupiers by Di-

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

ſtreſs and Sale of his and their Goods and Chattles; rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid;

Penalty of a Second Offence.

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 on Oath before Two or more Juſtices of the Peace for the ſaid County, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforeſaid.

Inhabitants to do Statute-work.

And be it further enacted, That the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Road hereby intended to be repaired doth 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 Road by this Act directed to be repaired, as lie within the ſaid Towns, Pariſhes, Hamlets, or Places, in which ſuch Inhabitants reſpectively ſhall live, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and at ſuch Times, and in ſuch Manner, as the Surveyor or Surveyors by them authorized ſhall direct or appoint.

Truſtees may compound for Statute work, &c.

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

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

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being, of any of the Towns, Pariſhes, Hamlets, or Places, wherein the ſaid Road directed by this Act to be repaired doth lie, ſhall think the ſaid Truſtees have directed or appointed too large a Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, to be done on the ſaid Road, it ſhall

and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment; unless the same shall be made within Ten Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Notice of Appeal to be given.

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

Penalty on haling Timber, otherwise than on Wheel Carriages.

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

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

And whereas the Road by this Act directed to be repaired lies over open common Heaths or Grounds, and if the same or any Part or Parts thereof were to be inclosed, the said Road may not be left of a sufficient Breadth for the Accommodation of Travellers; for Remedy whereof, be it further enacted, That when the said Road, or any Part thereof, shall be made or repaired in pursuance of this Act, over any open comman Heath or Grounds, the said Road shall for ever thereafter be and remain One hundred

Road to be 100 Yards broad.

hundred Yards broad at the least, and shall be deemed a publick and common Highway.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed; which 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 rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charge of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Road, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement; he, she, or they causing Seven 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

Notice of Appeal to be given.

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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.

Proceedings not to be removeable by *Certiorari*.

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

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

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

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

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

Proceedings to be entered in a Book.

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

Writings to be without Stamps.

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

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

No Order to be repealed, unless 7 Trustees be present.

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

Commencement and Continuance of this Act.

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

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such 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

General Issue.

every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant

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

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. Publick Act.

FINIS.