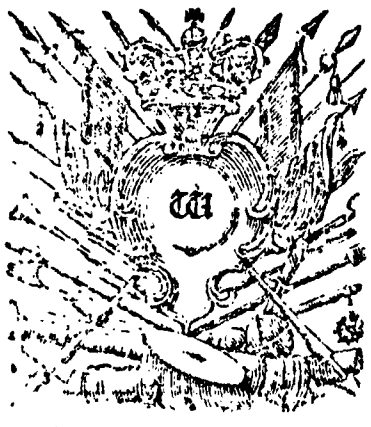
Anno tertio

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road from *Kirkby Kendall*, in the County of *Weſtmorland*, to *Kirkby Ireleth*, in the County of *Lancaſter*.



WHEREAS the Road leading from Kirkby Kendall, through Croſsthwaite, and over Bowland Bridge, in the County of Weſtmoreland; and from thence over Cartmell Fell to Newby Bridge; and from thence over Eellingharth Brow to the Market Town of Booth, and over Penny Bridge by Greenodd, a ſmall Sea Port; and from thence on the Eaſt Side of Arrad to Ulverſtone; and from thence through Lindal, by Titeup, to Kirkby Ireleth, in the County Palatine of Lancaſter, is in a ruinous Condition, and in ſeveral Parts narrow and incommodious, and the ſame cannot be effectually repaired, widened, and rendered commodious, by the preſent Methods provided by Law; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, Preamble.

Truſtees Names.

and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Archibald Hamilton, commonly called Lord Archibald Hamilton; Sir James Lowther, Sir John Pennington, Sir William Meredith, Sir Hedworth Williamſon, Baronets; Sir George Warren Knight of the Bath, the Honourable Thomas Howard, the Honourable Conſtantine Phipps, the Honourable Edward Clifford, James Shuttleworth, Francis Reynolds, Nicholas Fazakerley, Eſquires; Sir Ellis Cunliffe Knight, Simon Luttrell, Aſheton Curzon, Nathaniel Liſter, Peter Legh, Randle Wilbraham, Edmund Starkie, Philip Honywood, John Stanwix, Henry Curwen, John Upton, Robert Lowther, Thomas Braddyll, William Blencowe, William Bradſhaw, Allen Chambre, Thomas Wilſon Fenwicke, John Gale, Robert Gibſon, Pierce Grove, Hugh Holme, Kirby, Michael Knott, William Matron, Bacon Morrott, James Machell, John Machell, Jacob Morland, William Myers, William Penny, Charles Strickland, Myles Sandys, Myles Sandys junior, Thomas Saul, John Gilpin Sawrey, Chriſtopher Wilſon, Edward Wilſon, Roger Wilſon, George Wilſon, Edward Wilſon, John White, Eſquires; Edmund Atkinſon, John Cowperſon, Fell, Roger Baldwin, Reginald Brathwaite, Thomas Forreſt, Richard Hewet, Edward Jackſon, Oliver Marton, Thomas Symonds, Richard Scales, Daniel Wilſon, John Walker, William Walker, Simpſon, Clerks; Atkinſon M. D. Bracken M. D. Chriſtopherſon M. D. Ileys M. D. Anthony Aſkew M. D. the Mayor and Aldermen of Lancaſter for the time being; the Mayor and Aldermen of Kendall for the time being; Benſon, Dodſon, Fiſher, Harriſon, Poſtlethwaite, Robinſon, Taylor, Robert Taylor, Atkinſon Mercer, Thomas Atkinſon, Atkinſon, Thomas Atkinſon, Myles Barber, Matthew Bell, John Benſon, Brathwaite, John Backhouſe, James Birket, John Benſon, Commings, Commings junior, James Copeland, William Croſfield, William Denny, Dowker, James Fell, William Ford, Fletcher, Foxcroft, Gilliſon, Gough, Hobbarſty, John Jackſon, Henry Kendal, Samuel Kilner, Robert Lawſon, William Lindow, Thomas Latham, John Miller, Thomas Machell, Thomas Michaelſon, Pedder, George Preſton, James Poſtlethwaite, Richard Poſtlethwaite, Remington, Abraham

Abraham Rawlinſon, Hutton Rawlinſon, Iſaac Rawlinſon, Rutſon, James Redhead, Thomas Rigge, William Rigge, Richardſon Holker, Thomas Saul, John Scales, Joſeph Sympſon, John Schult, Anthony Strickland, Nicholas Thompſon, Roger Tayler, William Tayler, Bryan Wilſon, Thomas Wilſon, Chriſtopher Wilſon, James Wilſon, William Wilſon, John Wakefield, Henry Williamſon, 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 in 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 One hundred Pounds; or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of Two hundred Pounds; or poſſeſſed of or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of Two 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.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Thomas Leatham, known by the Sign of the Talbot in Ulverſtone, on the Thurſday Six 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, and to adjourn to any other Time and Place, then the Clerk to the Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on that Day

In Default of a ſufficient Number of Truſtees to act,

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.

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.

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

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.

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

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

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

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 appointed is impowered to do.

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 Two 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

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

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

Provided always, That no more than One Halfpenny shall be demanded or taken for any Horse, Mare, Gelding, Mule, Ass, or other Beast, laden with Peat or Turf, or drawing any Carriage laden therewith, or unladen, going to fetch Peat or Turf. Tolls to be taken of Cattle or Carriages laden with Peat.

Provided also, That for the First Three Years after the Commencement of this Act, no more than One Halfpenny shall be demanded or taken for any Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage, the Wheels whereof are of the full Breadth or Gage of Five Inches. Tolls to be taken for the first 3 Years for Carriages having Wheels 5 Inches broad.

Provided also, That no Toll shall be demanded or taken for any Horse, Mare, Gelding, Mule, Ass, or other Beast, laden with Milk, or drawing any Carriage laden therewith, or unladen going to fetch Milk, or returning empty, having delivered such Lading. Cattle or Carriages with Milk exempted from Tolls.

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. Tolls vested in the Trustees. Tolls may be levied by Distress and Sale. Distress may be sold after 4 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause Trustees may erect Sidegates,

cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Road, or upon, in, 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 do not extend to a double Charge.

Gates where to be erected.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected by virtue of this Act upon the said Road nearer to the Town of Kirkby Kendall than a Place called Underbarrow Scarr, nor nearer to the Town of Ulverstone, upon the Road leading from Ulverstone to Kirkby Kendall, than Two Miles and an Half.

Toll to be paid but at One Gate between *Kirkby Ireleth* and *Bowland Bridge*; or between *Bowland Bridge* and *Kirkby Kendall*.

Provided also, and be it further enacted, That in case there shall be Two or more Gates or Turnpikes erected upon the said Road between Kirkby Ireleth and Bowland Bridge, no Person having paid the Toll by this Act granted at One of the said Gates or Turnpikes, shall be subject or liable the same Day to the Payment of any Toll at any other Gate or Turnpike erected by virtue hereof upon the said Part of the said Road; and in case there shall be Two or more Gates or Turnpikes erected between Bowland Bridge and Kirkby Kendall, no Person having paid the Toll by this Act granted at One of the said Gates or Turnpikes, shall be subject or liable the same Day to the Payment of any Toll at any other Gate or Turnpike erected by virtue hereof, upon the said Part of the said Road.

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

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

any of the Materials which shall be provided for the repairing of the said Road.

Application of the Monies.

And be it further enacted, That out of the First Money arising by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending the said 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.

No Pavements of Streets, &c. to be repaired out of the Tolls.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees to lay out or apply any of the Money to be raised by virtue of this Act, in paving or repairing of the Pavements of any Streets or Ways, or any Bridge or Bridges; but such Streets or Ways, and Bridge and Bridges, shall continue to be repaired and kept in Repair by the same Ways and Means whereby the same heretofore have or ought to have been 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 Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted,

ed, or any Part thereof, on Lease to any Person or Persons, by the Year or otherwise, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Cattle or Carriages with Charcoal, for *Nebthwaite Forge*, exempted from Toll;

Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for the passing of any Cattle or Carriage laden with Charcoal going from Newland Furnace to Nebthwaite Forge, or returning empty, having delivered such Lading; nor shall any Toll be demanded or

and those with Iron Ore for *Coneyside Bank*.

taken at any Gate or Turnpike erected by virtue of this Act, for the passing of any Cattle or Carriage laden with Iron Ore going to Coneyside Bank, or returning, having delivered such Lading.

Exemptions from Tolls.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway, or Compost of any Nature or Kind whatsoever for manuring any Garden, or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof, or drawing any Plough, Harrow, or other Implement of Husbandry, or for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the several Townships, Parishes, Hamlets, or Places, in which the 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 Westmoreland or Lancaster, or for any Cattle drawing the Coach or other Carriage of any Person or Persons going to or from Church, or other Place of Religious Worship they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Road leads; 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 or Carriage crossing the said Road only; or for any Cattle going to, or returning from, Pasture or Water; or for any Post-horse or Cattle drawing any Carriage with the Mail; or for the

the Horſes of any Officers and Soldiers on their March; or for any Cattle drawing the Carts or Carriages attending them; or for Horſes or Cattle drawing Carriages travelling with Vagrants ſent by Paſſes.

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 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. Penalty on Perſons permitting or going thro' private Paſſage, &c.

And, for the more ſpeedy repairing and widening 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 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 and widening the ſaid Road, in ſuch Manner as the ſaid Tolls are hereby directed Tolls may be aſſigned for Money borrowed.

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 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

Officers to account upon Oath.

Officers refusing to account,

Justices may inquire into the Default;

commit Offender, Payment &c.

Offender to the Common Gaol of the County or Place 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.

Treasurer to give Security.

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

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

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

Surveyors may dig Gravel, &c. 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 River or Brook, Waste, Common, or Wood, in any Parish, Town, or Place, in, adjoining to, or lying near the Road aforesaid, to be used in repairing the said Road, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and leveling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if such Quantities of Materials sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Waste, Common, or Wood, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, to be

levelling the Pits.

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

used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place 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.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

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 Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is 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

Surveyors may make Causeways, &c.

and erect Bridges, &c.

make a temporary Road.

of

of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

Surveyors may remove Annoyances,

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said 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 or Place where the Offence shall be committed, from time to time to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles; rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the said County or Place, 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.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Owners neglecting to scour their Watercourses, &c.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Mo-

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

ney

ney paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain, by such widening, turning, or altering, any Part of such Road; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, or through which the said Road may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing

willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and 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, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Road, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the Trustees are hereby impowered

Persons neglecting to treat, &c.

Jury to settle the Recompence.

and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever, and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County, wherein ſuch Lands, Grounds, or Hereditaments, ſhall lie, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons to appear before the Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn: And the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury; and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be ſworn and give Evidence; and from time to time to levy ſuch Fine or Fines, in the ſame Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls granted by this Act are to be applied.

Truſtees may iſſue a Warrant to the Sheriff, to impanel a Jury.

Jurors may be challenged.

Truſtees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money, ſo aſſeſſed, as aforeſaid, is hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or their Treaſurer,

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

Lands when purchased to be made Part of the Road.

Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road 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, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing the said Road, and other the Purposes of this Act; and the Sale, or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road may be sold.

Buildings, &c. not to be injured.

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

Persons liable to repair any Part of the Road, to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Road, in the same Manner

Manner as they or every of them hath or have heretofore usually done or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the 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, and lying 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; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

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

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March, in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are

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

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, or Places, through which the said Road leads, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds: And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said Trustees be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work, the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; 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.

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

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 any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Road, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended

intended to be repaired, or any Part or Parts thereof, 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 such Person or Persons, Bodies Politick or Corporate, or 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.

Penalty on haling Timber, otherwise than on Wheel Carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said 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.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said 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

Penalty on defacing Milestones.

sons 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.

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 Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said 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

after the doing, making, or awarding of such Act, Order, or Judgement; he, she, or they causing reasonable Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, at their said Session, upon due Proof of such Notice being given, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

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 hereof, 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;

in; 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 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.