Anno tertio

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the High Road leading from the Fourteen Mile Stone, in the Pariſh of *Mothvey*, in the County of *Carmarthen*, through *Llandovery*, to *Llydiad y Gwyn*, in the Pariſh of *Llandilo vawr*; and from thence by *Cledfulch*, and over *Duleſs Bridge*, to the Town of *Llandilo vawr*; and from the ſaid Town along the Poſt Road, by *Rhwyradar*, through the County Borough of *Carmarthen*, and Village of *Saint Clears*, to *Tavern Spite*, in the Pariſh of *Kiffig*, at the Borders of the County of *Pembroke*.

WHEREAS the high Road leading from the County of Brecon, from the Fourteen Mile Stone, in the Pariſh of Mothvey, and County of Carmarthen, through the Town of Llandovery, to a certain Place called Llydiad y Gwyn, in the Pariſh of Llandilo vawr, and County of Carmarthen aforeſaid; and from thence by a Smith's Shop called Cledfulch, over Duleſs Bridge, to the Town of Llandilo vawr; and from the ſaid Town of Llandilo vawr, along the Poſt Road by Rhwyradar, to and through the County Borough of Carmarthen, and Village of Saint Clears, to a certain Place called Tavern Spite, in the Pariſh of Kiffig, at the Borders of Preamble.

the County of Pembroke, is in a ruinous Condition, narrow in ſome Places, and incommodious to Paſſengers, and 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, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Richard Allen of Trebanney, John Adams of Whiteland, John Allen, John Bowen, Griffith Bowen, Thomas Bevan of Pen y Coed, William Bevan of the ſame, George Bowen of Llwyngwair, Thomas Beynon of Kething, John Brown, Edward Brown, Thomas Brown, Owen Brickſtock, Brigſtock Bloome, George Bevan Britheſee of Penvonliarey, Evan Beynon of Abernant, John Bowen of Maes y Creigie, William Clayton, John Campbell, Pryſe Campbell, the Reverend Cannon, John Corſie of Carmarthen, Cornelius Copner, Rees Davies, Arthur Davies, David Davids, Richard Davies of Kincoed, Gwyn Davies of Coomb, James Davies, Thomas Davies, George Dawkins, David Davies of Pant-trevnis, John Davies of Traws-mawr, Richard Davies of Plas-parker, Albert Davies of Carmarthen, Potts Davies of Aber-nant, Robert Archer Dyer, Francis Dyer, Evan Davies, the Reverend Davies of Llanelly, John Davies of Llan-vaughan, David Edwardes, the Reverend Owen Evans, John Evans of Pen y bont, John Evans of Vrilſaint, David Edwardes, Thomas Evans, Thomas Evans of Newton, Thomas Eynon, Benjamin Evans of Kill-rhedyn, Herbert Evans of Yſtrad-dorall, Rees Evans of Llwynmnwilo, John Evans of Tafern y Pwll, Rowland Edwardes, Thomas Evans, Iltid Evans of Ken-coed, John Fountaine of Cwm-caſtell, Marmaduke Gwynne ſenior, Rodrick Gwynne, Howell Gwynne, Marmaduke Gwynne junior, Sackvile Gwynne, Thynn Howe Gwynne, William Gwynne, Mathew Griffith, Luke Gwynne, Rice Griffith, Edward Griffiths, David Jones Gwyn, Richard Gwyn, Morgan Gwyn, Evan Griffiths of Glan y Rhyd, Richard Gwyn, Leonard Gwyn, John Griffiths of Glyn-derwen, John Griffiths of Cwm-kennen, Morgan Gwyn, Green, Robert Bankes Hodgkinſon, the Honourable James Howe, Davies Howorth, Walter Hugill, James Hugill, John Harris, Walter Rice Howell of Maeſ-gwyn, Thomas Howell of Fynnon-felen, David Hughs of Laugharn, the Reverend Havard, Vaughan Horton, John Henſleigh, the Reverend Harries of Saint Iſmaels, William Hamilton, Theophilus Howell, Eraſmus Howell, John Harries of Caſtle-piggin, William

Truſtees Names.

William Harries, the Reverend David Hughes of Brechfa, Thomas Johnes, John Johnes, Richard Jones, John Jones, Rees Jones, Thomas Jones of Cwm-glaw, Henry Jones of Brynant, Henry Jones of Glan 'r afon-ddu, Lewis Jones of Carreg-fechan, David Jones of Cwm y gig fraen, Charles Jones, Jones of Bryn-gwyn, Doctor Jennings, John Jones, Richard Cony Jones, Griffith Jones of Pant yr haidd, Arthur Jones of Carmarthen, Thomas Jones of Llwyn y brain, Thomas Jones of Foes y gert, Rees Jones of Bwlch-cwmbid, Theophilus Jones of Wernmachwydd, Thomas Jones of Maesnonny, the Reverend Samuel Jones, Philip Jones, Thomas Jones of Carmarthen, the Reverend Thomas Jones of Pen-carreg, Thomas Kymer, Morgan Lloyd, Edward Pryse Lloyd, John Lloyd of Cwm y fraen, Lewis Lewis, John Lloyd, Lewis Lewis, David Lloyd of Cayo, William Lloyd of the same, the Reverend Lyson Lewis, Evan Lloyd, John Lewis of Llanlleer, Vaughan Lloyd, William Lloyd, Lewis Lewis, Daniel Lloyd of Lanques, Walter Lloyd of Coed-mawr, David Lloyd of Kefn-crwth, John Lloyd of Glanwilly, John Lloyd junior, George Lewis of Barnsfield, John Lewis of Glyn-adda, Thomas Lewis of Llys-newydd, John Lloyd of Cringa, John Lloyd of Llancorrog, David Lewis of Tan y graig, John Lewis of Kefn-crwth, Thomas Thomas Lewis of Ynis-wen, John Lewis of Llanychoyran, David Llwyd, Thomas Lloyd, Sir Herbert Lloyd of Peterwell, the Reverend Thomas Lewis of Gwinfu, John Lewis of Carmarthen, Edward Mainwaring, Cavendish Mainwaring, Charles Morgan, Lieutenant John Morgan, David Morgans of Rhos y bedw, Thomas Morris, Cornwallis Maude of Westmead, John Mathias of Kill, Sir Edward Vaughan Mansell, Sir William Mansell, James Morgan, David Morgan of Cwmdwfran, Robert Morgan of Carmarthen, George Lloyd Meares, James Nicholas, Sir William Owen, Hugh Owen, Charles Owen of Glass-alt, John Owens, Sir John Philipps, Richard Phillips, Buckley Philips, Lewis Price, Rees Prytherch senior, Rees Prytherch junior, Rees Price, Howell Price, Rees Prytherch of Mandarvile, Rice Price, the Reverend Prothero, Rice Price of Abergwenlas, William Price, Philip Pugh of Clyny March, Thomas Price of Kefn y berth, Daniel Price of Blaen y cwm, Lodwick Powell, the Reverend John Phillips of Saint Clears, Thomas Phillips of Killgennith, Evan Prothero of Dolewillim, Erasmus Phillips of Tan y Graig, Richard Rhillips of Kidwelly, George Phillips, Richard Phillips, Edward Parrey, James Phillips, John Phillips of Brecon, Thomas Price, Joseph Price, the Reverend Doctor Pardo, Griffith Phillips of Cwmgwilly, Rees Price of Carmarthen, Phillips of Kilgunnyth, Daniel Prytherch

of Brechfa, Charles Phillips, Richard Price, Henry Penry, Richard Powell, William Powell of Nant cas, George Rice, John Ravenſcroft of Laugharn, Rice of Dolebenny, William Reeſe of Laugharn, the Reverend Thomas Rees of Midrim, Lewis Rogers, Edward Rees of Court, Woodford Rice, John Rees of Pant yr Ewigg, Lewis Rogers of Kidwelly, William Rees of Laugharn, Oakley Rees of Pemboyr, Thomas Rees, Owen Rees, the Reverend Edmund Sandford of Laugharn, the Reverend David Scurlock of Blain y Gors, the Reverend Philip Saunders, Stephen Saunders of Perth y berllan, Sir John Stepney, John Stepney, Henry Thomas, David Thomas of Eſkernant, David Thomas of Llandilo, David Thomas of Langadock, Thomas Thomas, the Reverend Henry Thomas, William Thomas of Caſtlegowod, Rice Thomas of the ſame, Lewis Thomas of Cwm, Rees Thomas, David Thomas, the Reverend John Thomas of Llanfihangell, William Thomas, Thomas Vaughan, Eugene Vaughan, John Vaughan, Thomas Vaughan of Clyſtanog, John Vaughan of Dolegwm, John Vaughan, Richard Vaughan, Gwyn Vaughan of Dolegwm, David Williams, Pennoyre Watkins, Daniel Williams, David Williams, Watkin Williams, John Williams, Penry Williams, John Williams Canon of Saint David's, Thomas Williams Canon of Saint David's, Richard Williams of Abirbrain, Thomas Williams of Pennarth, Thomas Williams of Rhyd-Derwen, Daniel Williams, the Reverend Thomas Williams of Pillrooth, Rees Williams of Pen yr hoil, John Williams, Captain Richard Willſon, Lieutenant John Williams, Thomas Williams of Nant y Clawdd, Henry Williams of Trelech, John Williams of Pant-howell, Thomas Williams of Bryn-dawy, Howell Williams of Manholns, Enſign Henry Williams of Carmarthen, Anthony Williams, John Williams, David Williams of Diſgwilfa, the Reverend David Williams of Diſgwilfa, 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 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

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 be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Thomas Cowe, known by the Name of the Red Lyon in Carmarthen, on Saturday the Thirtieth Day of April, One thousand seven hundred and sixty three, 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 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 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, 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 On Death, &c. of Trustees, others to be chosen.

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.

Trustees may erect Turnpikes and Toll houses,

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,

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine Pence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other Carriage, except as herein after is excepted, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, except as herein after is excepted, 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.

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

Tolls vested in the Trustees.

vested

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 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 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.

Trustees may erect Side-gates,

and take Tolls thereat,

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

Provided always, and be it further enacted, That no Person or Persons, having paid the Tolls hereby granted at Three Gates or Turnpikes erected by virtue of this Act, shall be liable the same Day to pay any Toll at any other Gate or Turnpike erected by virtue of this Act.

No Person to pay Toll at more than Three Gates.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected by virtue of this Act between Abergwilly Bridge and the West End of Lamas Street, in the Town of Carmarthen.

No Gate to be erected between *Abergwilly Bridge* and the West End of *Carmarthen*.

Provided also, and be it further enacted, That in case any Gate or Gates, Turnpike or Turnpikes, shall be erected by virtue of this Act upon the Bridge of Abergwilly, or between the said Bridge and a certain Mill known by the Name of White Mill, no Toll shall be demanded or taken at such Gate or Gates, Turnpike or Turnpikes, for the passing or repassing of the Horses, Cattle, or Carriages of the Right Reverend the Lord Bishop of Saint Davids, or the Bishop of Saint Davids for the time being.

Bishop of *St. David's* not to pay Tolls at *Abergwilly* Bridge, &c.

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 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.

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

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 compound with Persons, &c.

And 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, as often as they shall think fit, to compound with any Person or Persons (except common Carriers) using to travel through all or any of the Gates or Turnpikes to be erected by virtue of this Act, with any Carriage or Cattle, for any Sum of Money, for and in lieu of the Payment of the Tolls hereby granted; which Composition-money shall be instantly paid to the said Trustees, or any Seven or more of them, or to such Person whom they shall appoint to receive the same.

Trustees may 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, or Lease to any Person or Persons, by the Year or otherwise, not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; and Notice of the Time and Place of Meeting for letting the said Tolls, or any Part thereof, shall be given by the Clerk to the said Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least One Month before any such Meeting; 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.

Exemptions from Tolls.

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 Horse or other Beast, Cart, or other Carriage, laden with Coal or Lime only, or returning unladen, having delivered such Coal or Lime, or going empty to fetch Coal or Lime, or returning laden with Coal or Lime, Charcoal excepted.

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,

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, or drawing any Coaches or other Carriages, or from Passengers on Horseback going to, or returning from, any Election of a Knight of the Shire, or Member to serve in Parliament for the County or County Borough of Carmarthen, 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 by virtue of this Act, unless the Horse, Cattle, or Carriage, passing through any such Gate or Turnpike, shall pass the Space of Three hundred Yards on some Part of the Road by this directed to be repaired; 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 Horses of any Officers and Soldiers on their March; or for any Cattle drawing the Carts or Carriages attending them; or for the Horses of any Officers of the Militia for the County of Carmarthen, going to or returning from their Annual Exercise; or for any Cattle drawing any Carts or Carriages laden with the Arms or Baggage belonging to the said Militia; or for Horses or Cattle drawing Carriages travelling with Vagrants sent by Passes.

Penalty on Persons making illegal Claims.

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 permitting or going thro' private Passage, &c.

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

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 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 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 and widening 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 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 be-

Officers to account upon Oath.

fore 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 Enquiry 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.

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

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, 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; 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 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, 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 River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, 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 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.

levelling the Pits.

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

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

Surveyors may make Causeways, &c.

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, 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 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.

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 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

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

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, 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. Penalty of a Second Offence.

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

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

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 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

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 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 and 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

Persons neglecting to treat, &c.

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

to

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 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

Verdict of the Jury to be binding.

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.

sons 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.

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, 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

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

Lands when purchased to be made Part of the Road.

Old Road may be sold.

them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be 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 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,

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 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 Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

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

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

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

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 Days Work.

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 preceeding 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

Notice of Appeal to be given.

such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

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. Road to be measured, and Mile-stones erected. Penalty on defacing Mile-stones

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 Penalties and Forfeitures how to be recovered and applied.

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 Session.

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 Eight Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, at their said 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

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

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

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.

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

Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give 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 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.

General Issue.

Treble Costs.

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

FINIS.