Anno tertio

Georgii III. Regis.

An Act for repairing and widening the Road from *Lawton*, in the County of *Cheſter*, to *Burſlem* and *Newcaſtle under Line*, in the County of *Stafford*, and other Roads therein mentioned.

WHEREAS the Roads leading from the Red Bull in the Townſhip of Lawton, in the County of Cheſter, through Killegrew, Golden Hill, and Tunſtall, to Iſaac Cartlitch's Houſe in Burſlem, in the County of Stafford; and alſo from Tunſtall aforeſaid, by Trubſhaw Croſs and the Tan-houſe, down Sparke's Hollow, over a Common Field called the Brampton, to Mr. Lovatt's Houſe in Newcaſtle under Lyne, in the ſaid County of Stafford; and alſo from Burſlem aforeſaid, to Trubſhaw Croſs aforeſaid; are become very deep and ruinous, narrow in many Places, and cannot be effectually repaired, widened, and kept in Repair, by the ordinary Courſe of 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, Preamble.

Truſtees Names.

That William Armett, Edward Arblaſter, John Allager, George Adams, Thomas Anſon, the Reverend Mr. Thomas Allen, Ralph Allen, Thomas Adams, John Antrobus, Philip Antrobus, Thomas Allen, Richard Adams Clerk, Joſeph Adams, Benjamin Adams, Sir Walter Wagſtaffe Bagot Baronet, the Reverend Walter Bagot, William Bagot, Richard Wilbraham Bootle, [illegible] Bagnall, Biddulph, Richard Bagot, Lewis Bagot, Thomas Baddeley, John Baddeley, Enoch Booth, Enoch Booth junior, John Brindley, Thomas Broomy, George Broom, John Baddeley, Joſeph Boon, James Brindley, Joſeph Booth, Hugh Booth, James Bold, Richard Beech, William Bayley, William Bate, Joſeph Bucknall, Robert Bucknall, James Baggaley, William Baggaley, William Bourn, Thomas Bryan, William Ball, John Broom, George Booth, John Barrett, William Bill, Thomas Broad, Samuel Boyer, John Beckett, John Beckett junior, John Brindley of Handchurch, Thomas Broome, George Broome, Thomas Bolton, Joſeph Bourne, John Bourne Eſquire, William Banks, Hugh Booth, William Beard Eſquire, Nathaniel Beard junior, John Bowyer, Luke Bennett, Iſaac Barber, Aaron Brown, Edward Bourne, Joſeph Brittain, Joſeph Barker, Thomas Barker, the Honourable Richard Chetwynd, Sir Ellis Cunliffe Baronet, Charles Crew, John Crew, the Reverend Randle Crew, Thomas Cholmondeley, William Chetwynd, Charles Chester, John Crew, the Reverend Doctor Joſeph Crew, Charles Cartwright, John Cartwright, Samuel Carlich, Samuel Chatterley, John Chatterley, Thomas Cartwright, John Copeland, John Clownam, Ralph Cartwright, William Clark, John Cook, Richard Clark, John Cantrell, Randle Colclough, John Corker, Sir Bryan Broughton Delves Baronet, Sir Lawrence Dundaſs Baronet, Richard Davenport, Thomas Daniel, Richard Daniel, Ralph Daniel, Sampſon Daniel, Thomas Daniel, Matthew Daintry, Samuel Egerton, Richard Edenſor, John Emery, Samuel Emery, John Fenton, Thomas Fenton, Thomas Fletcher, Hugh Ford, William Ford, James Ford, Thomas Fernyhough, the Reverend John Fernyhough, John Ford, Thomas Furnival, Iſaac Ford, William Fowler, William Foard, Robert Fowler Clerk, Thomas Fenton junior, the Right Honourable George Harry Grey, commonly called Lord Grey, the Honourable Booth Grey, the Honourable John Grey junior, Sir Nigel Greſley Baronet, Thomas Groſvenor, Thomas Gilbert, George Greatbach, Daniel Griffin, James Godwin, John Hales, John Haſſells, Thomas Heath, William Heath, Joſhua Heath, Thomas Hill, John Henſhall, John Harriſon, Robert Hurſt, William Hancock, Joſeph Heath, Richard Hollins,

lins, John Hollins, Joſeph Hollins, Thomas Hollins, Henry Haworth, Henry Haworth junior, Thomas Harwar, Thomas Hatrell, Thomas Hatrell junior, Henry Hatrell, John Harding, John Harriſon, Thomas Heath, Thomas Heath of Hanley, William Hyatt, John Hyatt, John Hollins, Thomas Hill, Jonathan Hinton, John Hulme, Thomas Jones, Joſeph Jenkinſon, Anthony Keeling, Samuel Knight, Robert Lawton, the Reverend Obadiah Lane, Richard Lowndes, Edward Lowndes, George Ley, John Lowndes, Richard Lateward, John Lovatt, Thomas Lovatt, John Lovatt Clerk, Sir William Meredith Baronet, Edward Mainwaring, Roger Mainwaring, John Murhall, Ralph Moreton, Thomas Mills, John Middleton, Clerk, Thomas Mills, Iſaiah Marſh, William Mellor, John Mare, Richard Mollatt, Richard Martin, Reverend Thomas Malbon, Thomas Mainwaring, Ralph Moreton, John Mare, Thomas Maſon, Jeſſon Maſon, Thomas Mellor, Joſeph Mellor, John Marſh, Andrew Ogle, the Mayor, Recorder, Two Juſtices, and Town Clerk of the Town of Newcaſtle under Line for the time being, the Right Honourable Thomas Parker, commonly called Lord Viſcount Parker; the Lord Chief Baron Parker, Edward Powis, Thomas Parker, George Parker, Humphrey Palmer, Samuel Perry, Thomas Pickin, Humphry Palmer, Thomas Pratt, Thomas Plant, Thomas Price, the Reverend Maſter William Robinſon, James Robinſon, Francis Rogers, James Rowley, Samuel Robinſon, John Richards, Thomas Roylance, Jeremiah Smith, William Swinerton, Ralph Sneyd, the Reverend Edward Sneyd, John Sneyd of Biſhton, Edward Salmon, Thomas Stanley, John Simpſon, Thomas Simpſon, Joſeph Stevens, Ambroſe Smith, John Shrigley, John Smith, John Sydebotham, William Sydebotham, Peter Shakerley, John Simpſon, William Sutton, Thomas Swinnerton, Benjamin Swinnerton, Thomas Shaw Grocer, Thomas Shaw, John Swan, Thomas Shelley, John Studman, Townſhend, Thomas Tatton, John Taylor, William Taylor, Richard Taylor, Thomas Taylor, Thomas Taylor, Thomas Taylor, John Terrick, Henry Thompſon, George Twemlow, Thomas Twemlow, Iſaiah Taylor, John Taylor junior, William Turner, Samuel Tellwright, John Terrick, George Tollet Eſquire, Charles Tollet, the Right Honourable Lord Viſcount Vane in the Kingdom of Ireland, the Honourable George Venables Vernon, Henry Vernon, John Vardon, James Vardon, Ralph Vernon, the Honourable Lieutenant General Waldegrave, the Honourable John Ward, Randle Wilbraham, John Ward Clerk, Thomas Whieldon, John Wedgwood, Thomas Wedgwood, Joſiah Wedg-

wood, Thomas Wedgwood, Carles Wedgwood, Thomas Warburton, Joseph Warburton, Isaac Warburton, Jacob Warburton, Michael Ward, Stephen Wood, Richard Wedgwood, John Wedgwood, Thomas Wedgwood, Jacob Warburton, Isaac Wood, William Wedgwood, Bowyer Leftwich Wynn, Thomas Whieldon, William Whieldon, William Whieldon junior, Ralph Wotton, John Ward Clerk, shall be, and they, and their Succeſſors, to be elected in Manner hereafter mentioned, are hereby appointed Truſtees, for ſurveying, ordering, altering, widening, and keeping in Repair the ſaid Roads, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

And Provided nevertheleſs and be it further enacted by the Authority aforeſaid, 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 or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes, or poſſeſſed of or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of Eight hundred Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act, contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of John Johnſon, Victualler, known by the Sign of the Leopard in Burſlem aforeſaid, on the Eleventh Day of May, One thouſand ſeven hundred and ſixty three, and proceed to the Execution of this Act, and ſhall then chooſe a Clerk or Clerks, to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purpoſes, and ſhall then adjourn themſelves, and meet at ſuch other Houſe or Place upon

upon or near the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient, and shall proceed to the further Execution of this Act, and shall then adjourn themselves, and, from time to time, hold their Meetings at Burslem, or at some other convenient Place near the said Roads; And if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Five Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; nor shall any Meeting of Trustees, which shall be held by virtue of this Act, be, upon any Account, begun to be held before the Hour of Ten in the Forenoon, or after Four in the Afternoon; and if any Meeting shall, at any Time, be held contrary to this Direction, all Business which shall be done or transacted at such Meeting, shall be, and the same is hereby declared to be, null and void.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to bear their own Expences.

No Order made by 5 Trustees, to be repealed, unless 5 are present.

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

Trustees who are in the Commission of the Peace to act as Justices.

Provided always, and be it further enacted by the Authority aforesaid, That Three Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time

3 Trustees sufficient for Adjournment.

On Refusal or Neglect, &c. of the Clerk to give Notice of adjourned Meetings, 5 Trustees may appoint the Time of Meeting.

Time happen, that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the Trustees, appointed to put this Act in Execution, at any Time or Times (the Space of Three Days after such Refusal, Neglect or Prevention of the Clerk or Clerks, having first intervened) to appoint such Trustees to meet at some House in or near the said Roads, on the Tenth Day next after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act; and the same shall be deemed and taken to be a sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen, were vested with.

Notice to be given of such Election.

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may build and erect, or cause to be built and erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across any Part or Parts of the said Roads; and also a Toll-house or Toll-houses in and upon the same, and from time to time to remove or alter the same, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and shall and may demand and take at all the Turnpike or Turnpikes to be erected as aforesaid, the following Tolls, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

For

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

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of and as Tollage Duty; and the Money so to be raised and collected shall be, and is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is hereinafter-mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, by such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, authorize and appoint, to demand and take the Tolls hereby granted and made payable, and to levy such Tolls upon any Person or Persons who shall after Demand made thereof, refuse or neglect to pay the same, by Seizure of any Horse or Horses, or other Cattle or Carriages, upon which such Tolls are by this Act imposed, or by Distress of any of the Goods or Chattles, carried or drawn by or on such Cattle or Carriages, or of any other Goods or Chattles of or belonging to the Person or Persons who ought to pay the same, and to detain the same until such Tolls or Duties, with the reasonable Charges of seizing or distraining the same, shall be paid: And such Person or Persons, after the Space of four Days next after the Day on which such Seizure or Distress shall be taken, shall and may sell the Cattle, Carriages, or Goods, so seized or distrained, rendering the Overplus, if any there be, upon Demand, to the Owner thereof, after such Tolls and reasonable Charges of seizing, distraining, and keeping the same, shall be deducted and paid.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Notice to be given of such Election.

Trustees may enter Turnpike and Toll-houses,

Distress may be sold after 4 Days.

and take the following Tolls thereon.

Trustees may erect Side-gates,

Turnpikes, and Toll-house or Toll-houses, and Fences, on the Side or Sides of any Part of the said Roads, and upon, in, at the End of, or across any Lane or Way leading into or out of the same, or upon any Common, Down, or Waste Ground, over which any Part of the said Roads leads; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable at any Turnpike to be erected by virtue hereof, so as the same do not extend to a double Charge upon any Person or Persons 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.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once, for passing or repassing at any Time or Times in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act; but all and every such Person and Persons, after having paid Toll Once, and upon producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll Once, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through all the Turnpikes erected by virtue of this Act; and which Notes or Tickets, the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Trustees may reduce the Tolls, &c.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and impowered from time to time, if they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted; and to raise the same again, so as the same do not exceed the Tolls by this Act granted; so as such Reduction be with the Consent of Two Thirds of the Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have any Money secured thereon; but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Roads, and in Burslem, at least Twenty Days before making such Reduction; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Provided always, That no more than One half Part of the Tolls hereby granted, shall be taken for any Horse or other Beast or Carriage, which shall pass loaden only

with, or going unloaden the same Day, for Coal, Slack, or Kennel; nor more than Three Pence for the Passage of any Waggon, nor more than Three Halfpence for the Passage of any Cart drawn by any Number of Horses or other Beasts, through any Gate or Turnpike, between the Colliery of Richard Edensor Esquire, called Brerefield Colliery, situate in Brerehurst, and the said Red Bull at Lawton, which shall be returning from the said Colliery, loaden only with, or going then empty for Coals; any thing herein before contained to the contrary notwithstanding. Tolls to be taken for Cattle and Carriages, laden with, or going for Coal, Slack, or Kennel.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls by this Act granted, or out of such Money as shall be borrowed upon 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 Charges of procuring and passing this Act, or any wise relating thereunto; and the Remainder of the Money so raised, shall be from time to time applied in erecting Turnpikes and Toll-houses, and repairing the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted by the Authority aforesaid, That all the Gates, Turnpikes, and Toll-houses to be erected by virtue of this Act, and the Right and Property to and in the same, and the Materials of which the same shall consist, and of Materials actually got for repairing the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in their own Names, or in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, for the time being, or to prefer, and order and direct the preferring of Indictments or other Prosecutions, against any Person or Persons, who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure, any, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist. Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass, with any Horse, Beast, or Carriage, through any or either of the Turnpikes or Fences, by virtue of this Act to be erected, without paying the Toll or Tolls by this Act directed or appointed to be paid for the same; Penalty on Persons permitting or going thro' private Passage, &c.

or

or shall assault, or interrupt, or obstruct any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise in the Execution of his or their Office or Offices of Collector or Collectors; or shall with any Horse, Beast, or Carriage, on which a Toll is hereby laid, go or pass through any Ground, Field, Gate, private Passage, or other Place adjoining, or lying near to, any or either of the Gates or Turnpikes to be, by virtue of this Act, erected, the same not being a common Road; or if any Owner or Occupier of any Tenement, Field, Land, or Ground, which shall adjoin or lye near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any such Horse, Beast, or Carriage, to go or pass through the same Tenement, Field, Land, or Ground, or any Field, Gate, or private Passage, or other Place, belonging to such Owner or Occupier; or if any Person or Persons shall give, or offer to give or receive of any other Person or Persons, except the Person or Persons appointed to collect or receive the Tolls hereby made payable, any Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the Tolls, or shall make use of any forged Note or Ticket; or if any Person or Persons driving or owning any Carriage, shall, at any Time or Times, take off, or cause or suffer to be taken off from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, or put on after passing the same; or if any Person or Persons shall leave in any House or Place upon or near the Roads any Carriage or Cattle, chargeable with, or liable to pay any or either of the Tolls by this Act imposed, whereby or by Means whereof, or of either of the Offences aforesaid, the Payment of any or either or any Part of the said Tolls shall be evaded or lessened; that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace of and for the said Counties of Chester or Stafford respectively, which Oath the said Justice or Justices is and are hereby impowered and required to administer gratis, shall, for every such Offence, forfeit the Sum of Forty Shillings, and pay the same to the said Trustees, or to their Treasurer or Treasurers for the time being; which Sum, in case the same be not forthwith paid, shall be recovered in the Manner herein after directed, and, when recovered, shall go and be applied

Penalty on Persons disposing of Tickets to avoid paying the Tolls.

plied, One Moiety thereof to the Use of the Informer, upon whose Oath such Offender or Offenders shall be convicted, and the other Moiety towards amending the said Roads.

Penalty on Carriages travelling for Hire, being drove out of the Road, to evade Payment of Toll.

And be it further enacted by the Authority aforesaid, That no Waggon, Cart, or other Carriage, travelling for Hire, upon any of the said Roads, shall be drove or turned out of the same, into any of the Roads adjacent, not being Turnpike Roads, in order to avoid, and thereby avoiding, paying the Tolls and Duties appointed by this Act to be paid at any Gate or Turnpike which shall be erected for the collecting and receiving the same, upon Pain of forfeiting and losing any One of the Horses drawing such Waggon, Cart, or Carriage (not being the Thill or Shaft Horse) with all his Gears and Accoutrements, to the sole Use and Benefit of any Person or Persons who shall seize or distrain the same; and the Person or Persons making such Seizure or Distress, shall proceed in like Manner, and be intitled to the like Remedies, as is directed and given, in Cases of Seizures of Horses, by an Act of Parliament made in the Fifth Year of the Reign of His Majesty King George the First, intituled, An Act for making more effectual the several Acts passed for repairing and amending the Highways of this Kingdom.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons, for the Passage of Cattle, Beasts, or Carriages, for any Sum or Sums of Money, to be paid Quarterly, in Advance, from time to time.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going for, or returning unloaden, or loaden

only with Stones, Gravel, or other Materials, for the repairing of any Roads or Highways; or in the Carriage of any Lime, Dung, Mold, Soil, Sand, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground; or that shall be used or employed in the plowing, sowing, tilling, or cultivating, of any Land or Ground, or going for, or returning unloaden, or only loaden with, Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or Backsides of the Owner or Owners thereof; nor for any Plough, Harrow, Dray, or other Implement of Husbandry; nor for any Horse or other Beast or Cattle, drawing or carrying the same, in order for the repairing thereof, or using the same in Husbandry; nor for any Thing whatsoever that shall be used or employed in Husbandry, or manuring of Land; nor for any Horse, or other Beast or Cattle, going to, or returning from, Water or Pasture; nor for any Post-horse carrying any Mail or Packet; nor for the Horses of Soldiers upon their March; nor for any Coach or other Carriage, or Passengers on Horseback, that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Chester or Stafford, on the Days of such Election, or on the Day before or Day after such Election shall begin and be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall go and be applied to the Use of the Informer, upon whose Oath such Offender shall be convicted, and the other Moiety towards amending the said Roads.

No Toll on Election Days.

Penalty on making illegal Claims.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, upon the Credit of the Tolls or Duties hereby made payable, borrow and take up, at Interest, any Sum or Sums of Money, as they, or any Five or more of them, shall think needful; and may, and they are hereby authorized, by Writing or Writings, under their Hands and Seals, or the Hands and Seals of any Five or more of them, to assign over the said Tolls or Duties, or any Part or Parts thereof, for any Term or Number of Years, not exceeding the Term for which this Act is to continue, unto any Person or Persons, as a Security or Securities for the Repayment

ment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof as aforesaid; all and every of which Assignments so to be made, shall be copied, and entered at Length in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, to be seen and perused, at all seasonable Times, by any Person or Persons, without Fee or Reward; which said Money, so to be borrowed, the Charges of procuring and passing this Act, as aforesaid, being thereout first paid, shall be laid out and applied in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to no other Use or Purpose whatsoever; and that all and every Person and Persons, to whom any such Assignment or Assignments of the Tolls shall be made by the said Trustees, or any Five or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and are hereby impowered, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses, to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whomsoever; and that all and every such Transfer or Assignment of any Security of the said Tolls or Duties shall, from time to time, be produced or notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees for the time being, within the Space of One Month after the respective Dates thereof; who shall make, or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments, made by the said Trustees as aforesaid, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more, by the respective Persons to whom such Assignments shall be transferred, for each and every such Entry; and after such Entry made, but not otherwise,

Assignments to be entered in a Book.

Assignments may be transferred.

Clerk's Fee.

such

such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon, and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereupon, or any Part thereof.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, from time to time, to elect, and, by any Writing or Writings under their Hands and Seals, appoint fit and proper Persons to be Collectors and Receivers of the Tolls hereby made payable; and also One or more fit and proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as they the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, or any or either of them, from time to time, to remove or displace as they shall think fit, and to chuse and appoint others in the Room and Place of such of them as shall be so removed, or shall die; Notice in Writing of such Removal or Death, and of the Time and Place of Meeting for the Purpose of filling up the Vacancy thereby occasioned, being fixed on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before such Election; and may, and are hereby authorized and impowered, by and out of the Money which shall arise by, and from the several Tolls aforesaid, to contract for, allow, and pay to the several Collectors, Receivers, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officer or Officers, appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or either of them, in or about the Repair of the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Services in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors and Receivers of the said Tolls, and all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every Person and Persons who shall have or receive any of the Money which shall be collected, borrowed, raised, or received by virtue of this Act, shall, from time to time, when

when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair, and perfect Accounts, in Writing, under their respective Hands, of all the Money which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Money, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required to pay all such Money as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Five or more of them, are hereby authorized and impowered to administer) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the Officers or Persons aforesaid, shall refuse or neglect to give a true Account or Accounts as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Receipts or Vouchers relating to the same, or to verify the Items or Articles thereof, upon Oath, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in his, her, or their respective Hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; and if any Clerk, or other Officer to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Three Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act; that then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in the Names of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money, Books, Papers, or other Writings as aforesaid, that shall be in the Hands of such Officer or Officers,

Officers refusing to account,

Justices to inquire into the Default,

Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace, at any Special Sessions, or other Meeting of them, to be held for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing shall be or reside, such Justices may, and are hereby authorized and required to make Inquiry of and 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 such Justices are hereby impowered and required to administer gratis: And if any Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the County or Place, until he or they shall have made a true and perfect Account and Payment, or shall have compounded for the same, and paid such Composition (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction, in respect thereof, to the said Trustees, or any Five or more of them.

and commit the Offender, until he shall conform, or compound.

Penalty on Toll-gatherers refusing to deliver Possession of Turnpikes, &c.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or Person appointed by the said Trustees, or any Five or more of them, in Manner herein before mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment, conformable to the Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession of the Turnpike or Toll-gate and Toll-houses to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before One or more Justice or Justices of the Peace of the County or Place, either upon Confession of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required, to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the said County, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike or Toll-gate and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed and appointed in Manner aforesaid; and also to bring the Toll-gatherer or Toll-gatherers or Collectors before such Justice or Justices, who is and are hereby impowered and required

required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Months.

Provided always, and be it further enacted by the Authority aforesaid, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding. Trustees may appoint Officers, tho' not at a publick Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons who shall be employed or appointed for that Purpose by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, may and is and are hereby authorized and impowered, from time to time, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the Repair of Roads; in, upon, out of, or from, any Waste Ground or Common, River or Brook, in any Parish, Town, Village, Hamlet, or Place, adjoining to, or lying near the said Roads, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same; they the said Trustees, Surveyors, or other Persons, filling up or fencing off the Pits, and levelling the Ground, from which such Materials shall be taken, and may also carry the same Materials through any Field, Meadow, or private Way, making such reasonable Satisfaction to the Owners or Occupiers for the Damages done, as they the said Trustees, or any Five or more of them, shall judge reasonable: Or in case it shall be judged more expedient by the said Trustees, or any Five or more of them, it shall and may be lawful for their Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, out of or from the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed Surveyors may dig Gravel, &c. without paying for the same; levelling the Pits. If sufficient Materials cannot be had there, they may be taken from private Grounds;

disposed of, and applied in or towards repairing the said Roads, such Lands, Fields, or Grounds, or either of them, not being the Site of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, Meadow, or planted with Trees as an Avenue to or for the Ornament of any House, or inclosed, set apart and used as a Plantation or Nursery for Trees, they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying or offering to pay such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Ground where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, to be holden in and for the said Counties of Chester and Stafford respectively, or the Major part of them then present, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said 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 by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors to be appointed as aforesaid, or any other Person or Persons by him or them appointed or employed, having a Warrant or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes, from time to time to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nuisances or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Roads hereby intended to be repaired, and to cut down, top or lop, and carry away, any Trees, Boughs of Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, and to open, scour or cleanse any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into or out of, the said Roads, or any Part thereof, in case the Owners or Occupiers, or Person

Surveyors may remove Annoyances,

and cut down Bushes, &c.

ton or Persons occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees, Boughs of Trees or Bushes, or to open, scour, or cleanse, such Ditch, Drain, or Watercourse, shall refuse or neglect so to do, for the Space of Ten Days after Notice in Writing to him, her, or them respectively given for that Purpose, or left at his, her, or their respective Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors by the respective Person or Persons so refusing or neglecting as aforesaid; and in case such Person or Persons so refusing or neglecting, shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County, which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his and their respective Goods and Chattles, returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand; and if, after the 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 any Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty 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.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, or cause to be made, any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads hereby intended to be repaired; and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon, in, or across the same Roads, or any Part or Parts thereof; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches,

Surveyors may make Causeways, &c.

and erect Bridges, &c.

Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed with Water; and to erect, or cause to be erected, Bridges over such Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the Grounds adjoining to any ruinous Part or Parts of the Roads hereby intended to be repaired, to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old ruinous Road is repairing, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same; making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be so made use of, or through which any such Ditches, Drains, or Watercourses, shall be cut, or on which any such Bridge or Bridges shall be erected, or through which such Road or Roads shall be made, for the Damages they may thereby sustain, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be borrowed, collected, or raised, by virtue of this Act; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or Person or Persons by them appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages, or the Satisfaction to be made therefore, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for such of the said Counties of Chester or Stafford, where such Lands and Grounds lie, or the Majority of them present at such Sessions, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or one of their respective Families, shall hear and finally determine the same.

make a temporary Road.

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, over and through, and also to fence or ditch off, or otherwise secure, any Part or Parts of the said Roads leading over any Down, Common, Moor, or Waste Ground, without making any Satisfaction for the same; and also through or upon any Fields, private Grounds,

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

Grounds, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and, for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Fields, Lands, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads, through such Fields, Lands, or Hereditaments; or by the fencing or ditching off, or otherwise securing the said Roads: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in, any such Fields, Lands, or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or 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 principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of

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

Persons neglecting to treat, &c.

the

the Fields, Lands, or Hereditaments, through which any Part of such Roads is intended to be diverted, turned, or altered, or whereupon any such Fence, Ditch, or other Security, shall be made, shall, by the Space of Two Months next after such Notice given or left, 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 such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained, by a Jury of Twelve indifferent Men of the County wherein such Fields, Lands, and Hereditaments, do lie; 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 require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premisses (which Oath any Five or more of the said Trustees are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means, as well for their own, as for the said Jury's Information of the Premisses; and after the said Jury shall have inquired of, and assessed, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Fields, Lands, or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

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

Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, 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, and they are hereby impowered and required, to swear, or cause to be sworn, Twelve Men, 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 Power, from time to time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or, being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or, appearing, shall refuse to be examined, or to give Evidence; and which Fine or Fines shall be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Money which shall be borrowed, raised, and collected by virtue of this Act, to such Parties, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Fields, Lands, or Hereditaments, and to do all and every Act, Matter, and Thing, with rela-

Money allowed for Lands, how to be charged and recovered.

tion to such Fields, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, in such Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended, and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be compleated, the Lands constituting the former Roads, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Roads do not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Roads so diverted and turned: But this Act shall not extend to the taking down any Dwelling-house, or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Lands when purchased to be made Part of the Roads.

Old Road to be sold.

Buildings, &c. not to be injured.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Roads shall be made as aforesaid, instead of any former Roads, over any Down, Common, Moor, or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Roads, unless the same doth lead to some Town or Place with which such new Roads do not communicate.

Where a new Road shall be made, Inhabitants not liable to repair the former, &c.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as

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

they were before the making of this Act; and that all Owners and Occupiers of Land, and Inhabitants in and of the Townships, Parishes, and Places, in which any Part of the said Roads lie, and that are or shall be liable to perform the Work, commonly called Statute-work, upon the Highways, shall, for the first Year after the passing of this Act, be obliged to do Three full Days Work of such Statute-work or Labour, and no more; and yearly, and every Year afterwards, not exceeding Three full Days, not less than Two full Days of such Statute-work or Labour, in such Part or Parts of the said Roads, as doth or do lie in or near such Townships, Parishes, or Places respectively; and in such Parts thereof, at such Times and in such Manner as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint; and every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways, for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors, to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person, who within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists, which of such Persons shall, or 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: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work, upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden,

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

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

Penalty on Persons not performing Statute-work.

Churchwarden, or Overseer of the Poor, of any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Default 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 Default, the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team to work on the said Roads, and be found idle or negligent, by any One or more Trustees, or by the said Turnpike Surveyor or Surveyors, where the Work is to be done, or shall not do Eight Hours Work in each Day, such Surveyor or Surveyors may, and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Penalty before-mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Persons found idle may be turned off.

Trustees may compound for Statute work, &c.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry or other publick Meeting of such Inhabitants, to compound and agree,

agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants, upon any Part of the said Roads; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Roads in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Charges to be reimbursed the Surveyor.

Provided also, That no Person shall be capable of acting as a Trustee in any Case relating to compounding for Statute Labour, who shall be Owner or Occupier of any, or of Part of any, Lands, Tenements, or Hereditaments, for which any such Composition shall be made; any thing herein contained to the contrary notwithstanding.

No Trustee to act in compounding for Statute work in respect of Lands, &c. whereof he is Owner or Occupier.

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Trees, or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof, or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off, or on the Sides of the said Roads, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on hauling Timber, otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required, to cause the said Roads to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and also to erect Guide or Direction Posts, with such Inscriptions thereon, as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription that shall have been made thereon, or shall cause or procure the same

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offences shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke or damaged, or Inscription so obliterated, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied: And in case such Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol of the County or Place, there to remain without Bail or Mainprize, for any Space not exceeding Three Months, nor less than One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or any Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any

Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Roads in relation whereunto, or in respect whereof, such Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice of the Peace, as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Goal, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; and, within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice, at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of that Part of the said Roads where such Cause of Complaint shall arise; and, within Four Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

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

And be it further enacted by the Authority aforesaid, 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 unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Default or Want of

Form

Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; 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 may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

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, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings, Orders, and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurer or Treaſurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall appoint.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security, for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp Duty whatſoever.

Proceedings to be entered in a Book.

Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks at any Meeting of Five or more of the ſaid Truſtees, aſſembled as the Caſe ſhall require; and

ſuch

such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence, in all Courts whatsoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance, from the Day of passing thereof, for and during the Term of Twenty one years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be removable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees; or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Complaint shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty; and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid; or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover

General Issue.

Treble Costs. Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.