Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Roads from the End of *Stanbridge-Lane*, near a Barn in the Parish of *Romsey*, to the Turnpike Road at *Middle Wallop*; and from the Turnpike Road between *Stanbridge-Lane* aforesaid and *Great Bridge*, to the Turnpike Road at *Stockbridge*; and from the Garden of *Henry Hattat* at *Awbridge*, to the Garden-Wall of *Denys Rolle* Esquire, at *East Tuderley*; and from *Lockerley Mill Stream* to *East Dean Gate*; and from the said Garden-Wall to the Turnpike Road leading from *Stockbridge* aforesaid, in the County of *Southampton*, to *Salisbury*.

WHEREAS the Road leading from the Turnpike Road at the End of Stanbridge-Lane, near a Barn there, in the Parish of Romsey, in the County of Southampton, though Awbridge, Dunbridge, Speerywell-Lane, Bentley-Lane, Pimpler's Corner, and Part of the Parish of Broughton, by William's Cross, to the Turnpike Road at Middle Wallop, in the said County of Southampton; and also the Road leading out of the Turnpike Road between Stanbridge-Lane afore- Preamble.

said and Greatbridge, in the said Parish of Romsey, over Timsbury Bridge, through the Parishes of Timsbury, Mitchelmersh, and King's-Somborn, to the Turnpike Road at Stockbridge, in the said County of Southampton; and also the Road leading from the Garden of Henry Hattat at Awbridge aforesaid, through Lockerley, to the Garden-Wall of Denys Rolle Esquire, at East Tuderley, in the said County of Southampton; and also the Road leading from Lockerley Mill Stream over Lockerley Green to East Dean Gate, in the said County of Southampton; and also the Road leading from the said Garden-Wall of the said Denys Rolle Esquire, through Part of the several Parishes or Places of West Titherley, Buckholt, and Nether Wallop, in the said County, to the Turnpike Road leading from Stockbridge aforesaid to Salisbury, are, in many Places, very narrow and incommodious, and, by reason of many heavy Carriages passing through the same, are become very bad and ruinous, and unsafe for Travellers, and the same cannot be effectually amended, widened, and kept in Repair, without the Aid of Parliament; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the most Honourable James Brydges, commonly called Marquis of Carnarvan; the Right Honourable Harry Powlett, commonly called Lord Harry Powlett; the Right Honourable Henry Lord Viscount Palmerston in the Kingdom of Ireland, John Adams, John Annetts, and John Atkins, Gentlemen; Peter Bathurst, Robert Bristow, Robert Barton, William Bernard, Thomas Baker, and John Baker, Esquires; the Reverend Robert Bathurst, and the Reverend James Burch, Clerks; Francis Biggs, Edward Boorne, Colson Bernard, Robert Bird, Joshua Brownjohn, John Blundell, and John Barns, Gentlemen; John Chute Esquire, Harvey Combe, William Cooper, Thomas Compton, Thomas Compton the younger, Richard Cotton, Anthony Cooke, John Coles, William Coles, Thomas Comley, John Comley, William Criswick, John Coster, Richard Cowdrey, John Curtis, John Cooper, John Collins, and Thomas Child, Gentlemen; Thomas Lee Dummer, Thomas Dummer, Thomas Duncombe, John Duke, and George Dacre, Esquires; the Reverend Edward Duke Clerk, Drake Gentleman, Sir John Elwell Baronet, John Eyre, Henry Eyre, Harry Earle, and

Trustees Names.

Eyre of Newhouſe, Eſquires; Ralph Etwall, James Edwards, and Emmet, Gentlemen; Gorges Foyle, and Flower, Eſquires; the Reverend Edward Fleet Clerk, John Fifield, Henry Flower, Francis Foſbery, Michael Futcher, Michael Futcher the younger, Alexander Fryer, and John Fryer, Gentlemen; Sir Thomas Gatehouſe Knight, Richard Gifford, Charles Godfrey, and Thomas Gatehouſe, Eſquires; John Godfrey, Robert Godfrey, John Garrod, Daniel Gaſs, Edward Gilbert, John Good, and John Gale, Gentlemen; Sir Thomas Heathcote Baronet, Samuel Heathcote, Gilbert Heathcote, William Heathcote, and Harry Harmood, Eſquires; the Reverend Henry Heathcote, Joſhua Fiſher Harriſon, and Richard Hinckeſman, Clerks; Richard Higges, John Hockley, Thomas Hall, John Hattat of Mitchelmerſh, Ichabod Harding, and John Hattatt of Broughton, Gentlemen; Joſhua Iremonger Eſquire, the Reverend Edward Jones Clerk, Timothy Jones, Robert Jennings, John Jennings, and Peter Jewell, Gentlemen; John Kent, Francis Kelſey, William King, and Stephen Kemſhead, Gentlemen; the Right Honourable Henry Bilſon Legge, Luther Eſquire, John Lywood, Benjamin Light, and Richard Leverſuch, Gentlemen; Sir Richard Mill Baronet, John Mill, Sandys Mill, and William Mitchel, Eſquires; the Reverend Henry Mill, and Charles Mill, Clerks; William Madgwick, Thomas May, Joſeph Mills, Thomas Martin, Robert Morrant, Stephen Meaton, and William Meaton, Gentlemen; Hugh Norris Eſquire, Robert Newlands, John Newman, Robert Noyes, John Noyes, and James Noyes, Gentlemen; Alexander Oram, and Henry O'Neil, Gentlemen; George Pitt, William Powlett, George Powlett, Nicholas Pyle, John Pollen, and Conſtantine Phipps, Eſquires; the Reverend John Peverell Clerk, Richard Pearce, John Philps, Edward Paine, and John Poore, Gentlemen; Denys Rolle, and Randall of Lockerley, Eſquires; the Reverend John Ray Clerk, Joſeph Reeves Gentleman, Sir Simeon Stuart Baronet, the Right Honourable Hans Stanley, Sir Henry Pawlet Saint John Knight, Peter Serle, Pawlett Saint John, Goodier Saint John, Francis Swanton, Edward Sheldon, and Thomas South, Eſquires; the Reverend Joſeph Simpſon, and Thomas Shepheard, Doctors in Divinity; the Reverend Ellis Saint John, Richard Smith, Ralph Smith, and George Strother, Clerks; William Steele the elder, William Steele the younger, William Sanders, Godwin Seward, Clement Sharp, Richard Sharp, Thomas Sharp, Clement Sharp the younger,

John Smith, Soper, and Caleb Smith, Gentlemen; Alexander Thistlethwayte, and John Thorpe, Esquires; the Reverend Robert Thistlethwayte Doctor in Divinity, Joseph Tarver, and Joseph Tarver the younger, Gentlemen; John Walter Esquire, the Reverend Benjamin Woodroffe, and William White, Clerks; Nicholas Windover, Benjamin Wise, John White, Joseph White, John Wallis, James Wells, Thomas Wheable, Thomas Wade, Charles Wade, John Wilkins, and Richard Wilkins, Gentlemen; and Young Esquire, shall be, and they are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair the said Roads; and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent of some Person having an Estate of Inheritance in Law or Equity of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the Intent and Meaning of this 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 or 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, Bill, Plaint, or Information; 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 hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Alexander Oram, bearing the Sign of The Falcon, in the said Parish of Romsey, on the First Day of May, One thousand seven hundred and fifty four, and proceed to the Execution of

this

this Act; and shall then adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for the further Execution of this Act: And if it shall happen that there shall not appear at any adjourned Meeting a sufficient Number of Trustees to adjourn to any other Time and Place, then the Clerk to the Trustees shall, from time to time, as often as such Default shall happen, adjourn the said Meeting to such Time and Place as he shall think fit, not exceeding, as to Time, the Distance of Three Weeks from the Time of any such Default; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

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

Trustees to defray their own Expences.

Provided always, That Two Trustees present at any Meeting shall be deemed sufficient for the Purpose of Adjournment.

Proviso.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee named or appointed, or who shall be named or appointed, in or by virtue of this Act, shall act, or be impowered to do any Act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act.

No Trustee shall act but at a publick Meeting.

And be it further enacted by the Authority aforesaid, That if any Person appointed, or to be appointed, a Trustee in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls or Monies by this Act made payable, such Person, from and after his accepting such Place of Profit, and during the Time of his holding the same, shall be incapable of acting as a Trustee in or under this Act.

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

And be it further enacted by the Authority aforesaid, That such of the Trustees, appointed or to be appointed in or by virtue of this Act, as 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 such Trustee or Trustees.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees appointed by virtue of this Act shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more

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

more fit Person or Persons to be a Trustee or Trustees in the room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing at all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act, in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner as the Trustees hereby appointed are authorized and impowered to act.

10 Days Notice of Election to be given.

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

Trustees may erect Turnpikes and Toll-houses.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis-a-Vis, Chair or Hearse, drawn by Four or more Horses, Mares, Geldings, Mules, or other Beasts, the Sum of One Shilling; and drawn by any less Number the Sum of Three Pence for each Horse, Mare, Gelding, Mule, or other Beast so drawing.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses, Mares, Geldings, Mules, Oxen, or other Beasts, the Sum of One Shilling; and drawn by any less Number the Sum of Three Pence for each Horse, Mare, Gelding, Mule, Ox, or other Beast so drawing.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, 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 less Number.

For

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so to be raised 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 herein after mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage, upon which such Tolls are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls, with the reasonable Charges of distraining the same, shall be paid; and it shall and may be lawful to and for such Person and Persons, after the Space of Two Days after such Distress taken, to sell the Cattle, Carriage, or Goods so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges of distraining and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 2 Days.

Provided always, That no Person or Persons, having paid the Tolls or Duties hereby granted at any One Gate or Turnpike, to be erected by virtue of this Act on the said Roads, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at the same or any other Gate or Turnpike to be erected on the said Roads; such Person or Persons producing a Note or Ticket denoting that the said Tolls or Duties have been so paid (which Notes or Tickets the Collector or Collectors of the Tolls is or are hereby required to give gratis) the same Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night.

Tolls to be paid but once a Day.

Truſtees may erect Side-gates, &c.

And be it further enacted by the Authority aforeſaid, That, to prevent Perſons evading the Payment of the Tolls or Duties hereby granted, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, to erect, or 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 Roads, and upon, in, or acroſs, or at the End of any Lane or Way leading from or out of the ſame Roads; and at the ſaid Gate or Gates, Turnpike or Turnpikes, to take and levy, or cauſe to be taken and levied, ſuch Tolls as are by this Act made payable at any Gate or 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.

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

And be it further enacted by the Authority aforeſaid, That the Gates or Turnpikes and Toll-houſes erected by virtue of this Act, and the Rights and Properties to and of the ſame, and the Materials of which the ſame ſhall conſiſt, 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 any Action or Actions to be brought, in the Name or Names of any One or more of the ſaid Truſtees, or to proſecute, and order and direct the proſecuting 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 by virtue of this Act be erected, or any Part thereof, or any of the Materials of which the ſame ſhall be made, built, or conſiſt.

Application of the Monies.

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

Provided

Provided always, That it shall not be lawful for the said Trustees, or any of them, to repair or widen, or to order and direct the repairing or widening such Part of the said Roads as leads from the Boundary Elm Tree at East Tuderley aforesaid, through Part of the said several Parishes or Places of West Titherley, Buckholt, and Nether Wallop, to the said Turnpike Road leading from Stockbridge to Salisbury, till all the other Roads by this Act directed to be repaired and widened have been well and sufficiently repaired and widened, and shall have been so declared by Nine or more of the said Trustees assembled at a Meeting to be held in pursuance of this Act. Trustees not to repair the Road from *East Tuderley* to *Stockbridge*, &c.

And be it further enacted by the Authority aforesaid, That when the Road leading from the Turnpike Road at the End of Stanbridge Lane aforesaid, to the Garden of Henry Hattat at Awbridge aforesaid, shall be well and effectually repaired in pursuance of the Provisions made by this Act, the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and required to cause the said Road leading from the Garden of Henry Hattat aforesaid, to the Turnpike Road at Middle Wallop, and the said Road leading from the Garden of Henry Hattat aforesaid, to the Boundary Elm Tree at East Tuderley aforesaid, and from Lockerley Mill-Stream to East Dean Gate aforesaid, to be repaired in an equal Degree and Proportion until the said Road from the Garden of Henry Hattat to the said Boundary Elm Tree, and from Lockerley Mill-Stream to East Dean Gate, shall be well and sufficiently repaired in pursuance of the Provisions made by this Act. Proviso.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, as often as they shall think fit, to compound with Trustees may compound with Travellers.

with any Person or Persons (except Common Carriers) using to travel through all or any of the 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 or Duties, to be paid yearly, or otherwise, from time to time, after such Agreement shall be made.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be held in pursuance of this Act, by any Writing or Writings under their Hands and Seals, to demise, lease, and to farm-let the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, for any Term or Terms of Years, not exceeding Seven Years, at and for the best Price or Rent such Trustees can get for the same, payable at such Times, and under such Covenants, as shall be agreed upon between the said Trustees, and the Lessee or Lessees of the said Tolls or Duties: And such Price or Rent shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money so to be paid shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes erected by virtue of this Act, with any Cattle or Carriage, which shall carry or draw any Quantity of Materials for repairing the said Roads, or any other Highway or Road; or for any Carriages carrying any Hay or Corn in the Straw to be laid in the Houses, Out-houses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Roads lead; or with or for any Ploughs, Harrows, or other Implements of Husbandry, not being a Waggon or Cart belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow belonging to any of the said Inhabitants; or for any Carriage carrying any Lime, Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land in such Parishes or Places; or for any Carriage carrying any Heath, Turf, Furze, or Peat, for Fuel; or for any Coaches

Coaches or other Carriages, or Paſſengers on Horſe-back, going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Southampton or Wilts, on the Days of ſuch Election, or the Day before or Day after ſuch Election; or for any Poſt-horſe or Carriage carrying the Mail or Packet; or for any Horſe, Ox, Cow, Sheep, or other Cattle, going to or returning from Paſture or Watering-places; or for the Horſes of Soldiers who are upon their March, or Waggons or Carriages attending them; or for any Horſes, Beaſts, or Carriages, travelling with Vagrants ſent with legal Paſſes.

Penalty on making illegal Claims.

Provided always, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence, to be recovered and applied in Manner herein after directed.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Cattle, Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Hearſe, Waggon, Wain, Cart, Dray, or other Carriage, go or paſs through any Ground, Parcel of Land, Heath, Common, Waſte, or other Place or Places, incloſed or not incloſed, adjoining to or lying near any or either of the Gates or Turnpikes to be by virtue of this Act erected, the ſame not being a common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, which ſhall adjoin or lie near to any or either of the ſaid Gates or Turnpikes, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons, with any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Cattle, Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Hearſe, Waggon, Wain, Cart, Dray, or other Carriage, to go or paſs through the ſame Ground, Land, or other Place; or if any Perſon or Perſons ſhall give to or receive of any other Perſon or Perſons, except the Perſon or Perſons appointed to collect and 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 ſaid Tolls; or if any Perſon or Perſons ſhall, at any Time or Times, take off, or cauſe to be taken off, any Horſe, Aſs, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot,

and on giving or receiving Tickets, &c. to avoid Payment of the Tolls.

Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, as aforesaid; or if any Person or Persons shall unload, or cause to be unladen, any Goods or Merchandizes, whereby in any or either of the Cases aforesaid the Payment of any of the said Tolls shall be evaded; that then, and in every and either of the aforesaid Cases, each and every Person so offending shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use, and the other Moiety thereof shall go and be applied towards the amending the said Roads.

Trustees may borrow Money on the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads, 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 said Tolls or Duties to arise and to be collected on the said Roads, 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, not exceeding the Sum of Six thousand Pounds: And they are hereby authorized and impowered, by any Writing or Writings, to mortgage or assign over the said Tolls or Duties 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; and which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act being first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use, Intent, or Purpose whatsoever: And no Preference shall be given to any Person or Persons advancing any Part or Parts of the said Sum of Six thousand Pounds, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all Lenders, and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall be, and are hereby declared to be, for their several and respective principal Sums, Creditors on the said Tolls in equal Degree one with another, as to the Time or Times of advancing or lending such principal Sum or Sums, and shall be deemed and taken to be Tenants in common of the said Tolls, as to their several and respective Shares and Interests therein,

All Creditors deemed equal in Degree.

by Means or Virtue of such Mortgage or Mortgages, Assignment or Assignments, and so far forth as such their several and respective Shares and Interests will extend, but no farther or otherwise.

Trustees may lend Money on the Credit of the Tolls,

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee and Trustees appointed by this Act, or which shall hereafter be appointed, by virtue of any Power or Authority hereby given, shall and lawfully may (notwithstanding his or their being such Trustee or Trustees) advance and lend any Sum or Sums of Money, at Interest, on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do, by Means or Virtue of this Act: And such Trustee or Trustees, so advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage or Mortgages, Assignment or Assignments, of the said Tolls, from Seven other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money, so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Seven or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall, by Means and Virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take, by Means or Virtue of this Act.

and take Security.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Trustee and Trustees, and other Person and Persons, to whom any Mortgage or Mortgages, Assignment or Assignments of the said Tolls shall be made by the said Trustees, or any Seven 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, shall and may, and he, she, and they is and are hereby authorized and impowered, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any Person or Persons, by any Writing or Writings, or by any Indorsement or Indorsements in Writing, under

under his, her, or their Hand or Hands; and such Assignee or Assignees, Indorsee or Indorsees, may in like Manner assign over again, and so toties quoties.

Trustees not subject to Payment by signing, &c.

Provided always, That nothing herein contained shall extend to charge or subject the said Trustees with or to the Payment of any Money, by reason of their or any of their signing or sealing the said Securities, or any or either of them.

Trustees to 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 appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think necessary in the Execution of this Act; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others being fixed on all the Turnpikes erected on the said Roads, at least Ten Days before such Election; and may and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, 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 or Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every other Person and Persons who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall from time to time, and as often as he or they shall be thereunto required by the said

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, full, true, and fair Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and they shall, and are hereby respectively required to pay all such Monies 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 such Person or Persons as they, or any Five or more of them, shall direct or appoint: And all and every the said Officers and Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said 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 said Officers or Persons, so to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint; then upon Complaint thereof made to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice or Justices may and is and are hereby authorized and required to summon the Officer or Officers, Person or Persons, so refusing or neglecting to appear before him or them, at a Time and Place in such Summons to be mentioned; and upon his or their appearing or not appearing, the Service of such Summons being proved, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced,

and pay the Balance.

Officers refusing to account,

Justices to enquire into the Default,

duced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed by such Summons; or, if appearing, shall refuse or neglect to deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Money which shall appear to be in their respective Hands, and the reasonable Charges

and cause the Balance to be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

of such Distress and Sale as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to be paid to them; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, 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, and other Officers 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 any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person or Persons 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 taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act.

Surveyors may dig Gravel, &c. in Waste Grounds,

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 by the said Trustees, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of or from, any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town, 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, or Surveyors, or other Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done, or fencing the same, to prevent any Accident happening therein: And if such Quantity of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, cannot

without paying for the same;

levelling the Pits.

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

not be had or found in or upon such Waste or Common Ground or Grounds, 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 Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, or out of and from the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Roads; such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue or Trees for the Ornament of any House, they the said Trustees, or Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, taking, and carrying away, the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may on Six 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, or 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 said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

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 as aforesaid,

Surveyors may make Causeways, &c.

aforesaid, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

and erect Bridges, &c.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Roads aforesaid; and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Six 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 the said Trees or Bushes, or to remove such other 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 wherein the Matter in Dispute shall arise, from time to time to levy the Charge 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 Owner or Owners thereof, upon Demand, after all Charges paid: And if, after Removal of any of the

Surveyors to remove Annoyances, &c.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor,

to be levied by Distress and Sale.

Penalty of a Second Offence.

said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be applied in repairing the said Roads.

Owners of Watercourses, &c. neglecting to scour the same,

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to 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, shall not in a proper Manner scour or cleanse such Ditches, Drains, and Watercourses, or cause the same to be done, within the Space of Six 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, and in either of the Cases, the said Surveyor or Surveyors may, and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money so 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 same 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.

after Notice given for that Purpose,

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, that then the said Trustees, or any Seven or

more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any-ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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 Roads, for turning, widening, altering, or amending the same; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, or others, 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 by the Authority aforesaid, That it shall and may be lawful to and for all Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, 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 Grounds, Lands, or Hereditaments, or any Part thereof, 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,

Bodies Politick, &c. may contract for the Purchase of Lands.

veyances, 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 Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or any other Person or Persons interested in 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, 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 Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Ten 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,

Jury to settle the Damage and Recompence,

then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in do lie (which Oaths 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, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into the same; and in order thereto, the said Trustees, or any Seven 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 such Trustees are hereby impowered and directed to administer) and they shall

Witnesses may be summoned, and examined upon Oath.

shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all such other 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 Seven or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors 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, and Determination, so had and made, shall be final, and 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, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be 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 Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in, do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Trustees, or any Seven 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 Seven or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

ficient 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.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That 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 Seven or more of them, acting in the Premisses, shall have 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 that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, and 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 examined 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 as 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 Use and in such Manner as the Tolls granted by this Act are to be applied.

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

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly, 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 Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said

Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, 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 Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, 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 Seven or more of them, to such Person or Persons as shall be willing to become 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 and amending the said Roads; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

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

and esteemed as publick Highways.

and kept in Repair as such.

Old Road may be sold.

Application of the Monies.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure 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 shall consent thereto.

Buildings &c. not to be injured.

And

Bodies Politick, &c. liable to do Statute-work, to continue so.

And be it further enacted by the Authority aforesaid, 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 this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, 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 Roads, and such Bridges, in the same Manner as they, or any of them, have or hath heretofore usually done, or ought to do: And that the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired do lead, who by the Laws and Statutes of this Realm are or shall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and 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 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.

Inhabitants to do Statute-work.

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

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And, to the End that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the Towns, Parishes, Hamlets,

lets, and Places, through which the said Roads lead, shall and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March yearly, and 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 every such Meeting being fixed on all the Turnpikes erected on the said Roads) to deliver in to the said Trustees at such Meeting, upon Oath, if thereunto required (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) 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.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, by 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 Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, 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 and Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team, for every Day's Work the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or by virtue of this Act not deemed to keep, a Team, for every Day's Work the Sum of

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons; and he, she, and they, or the respective Person or Persons on whose Behalf he, she, or they shall come to work on the said Roads, shall in that Case be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he, she, or they had neglected to come, or such Team had not been sent to work on the said Roads.

Trustees may compound for Statute-work.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to compound with any Person or Persons who are to repair by reason of their Tenure, or otherwise, and with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lead, for the Repairs aforesaid, and for the several Days Statute-work or other Work to be by him, her, or them respectively done upon the said Roads, at and for such Rates or Sums of Money by the Year, or otherwise, as they the said Trustees, or any Five or more of them, and Inhabitants respectively, shall agree upon: Which said Money shall be paid to the said Trustees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

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

And be it further enacted by the Authority aforesaid, 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 Roads directed by this Act to be repaired do lie, shall think the said Trustees, or their Surveyor or Surveyors, 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 Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their respective Quarter Sessions 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 Roads by this Act directed to be repaired; such Surveyor or Surveyors

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of the Highways as aforesaid having first given Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors to the said Trustees as aforesaid.

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, impowered, and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: 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 fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure 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; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead: And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid.

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones;

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace for the County or Place where the said Offence or Offences shall be committed, or where the respective Party or Parties, who shall incur such Penalties and Forfeitures, shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects of the Party or Parties so incurring, by a Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures, being so levied as aforesaid, or otherwise paid, and every Part thereof (other

to be levied by Distress and Sale.

than

than and except such Parts thereof as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment; and shall be laid out and applied in and towards the repairing and widening the Roads by this Act directed to be repaired, or in making a new Road through private Grounds, and keeping the said Road in Repair.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted, That the Overplus of the Money which shall be levied by such Distress and Sale as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall, if demanded, be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold: And if no Goods, Chattles, and Effects of the Person or Persons who shall incur the said Penalties and Forfeitures can be found sufficient to answer the same, and the Charges of such Distress and Sale (if any such shall be taken and made) then, and in such Case, any Justice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Person or Persons to be committed to the common Gaol of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding One Calendar Month for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distress and Sale (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Three Calendar Months, nor less than Six Weeks, or until such Penalties and Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distress and Sale (if any such there be) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, 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 at the next

General Quarter Sessions 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 Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Information 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 Sessions, upon due Proof of such Notices being given as aforesaid, 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.

Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster, until the Person or Persons, who shall sue out or prosecute such Writ, shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order shall be or be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Proceedings not to be quash'd for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries, or Memorandums of all the Monies that 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.

Proceedings to be entered in a Book.

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Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, 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, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, which shall be made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

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

And be it further enacted by the Authority aforesaid, 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.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance, from the Thirtieth Day of April, One thousand seven hundred and sixty four, 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 by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and 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 pursu-

General Issue.

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ance 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 Nonsuited, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law. Treble Costs.

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

FINIS.