Anno quarto

Georgii III. Regis.

An Act for continuing the Terms of, and amending, the Acts for repairing several Roads leading from *Ledbury*, in the County of *Hereford*; and for widening and amending the Road through the Parish of *Bromesberrow*, in the County of *Glouceſter*, and through *Corſe Lawn*, till it meets the Road from *Glouceſter* to *Worceſter*.

WHEREAS an Act paſſed in the Seventh Year of the Reign of King George the Firſt, for repairing the ſeveral Roads leading from the Town of Ledbury, in the County of Hereford, to the ſeveral Places therein mentioned: And whereas an Act paſſed in the Fifteenth Year of the Reign of His late Majeſty King George the Second, for enlarging the Term and Powers of the ſaid firſt-mentioned Act, and for making it more effectual, whereby the ſaid firſt Act was further continued for the Term of Twenty one Years, and great Progreſs has been made, but it has not been poſſible effectually to repair and widen the ſaid Roads, nor can the ſame be done unleſs

Preamble, reciting Acts 7 *Geo.* I. and 15 *Geo* II.

the Terms of the said Acts be further continued, some other Powers granted, and the said Acts in several Respects made more effectual: And whereas a Part of the Roads by the said Acts directed to be repaired, leads from Ledbury, to the Parish of Bromesberrow, in the County of Gloucester: And whereas the Road continued from the said Branch through the several Parishes of Bromesberrow and Dimock, in the County of Gloucester, and the several Parishes of Rid Marley Dabitot and Staunton, in the County of Worcester, to a Place called Staunton Swan, in the great Road leading from Ledbury aforesaid, to the City of Gloucester, and from the said Place called Staunton Swan, into and through Corse Lawn, till it meets the great Road leading from the said City of Gloucester, to the City of Worcester, through the Market Town of Upton upon Severn, in the said County of Worcester, between the Seventh and Eighth Mile Stones erected upon the said Road, is in a ruinous Condition, narrow in many Places, and cannot be sufficiently amended and widened 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, That the Terms granted by the said recited Acts made in the Seventh Year of the Reign of King George the First, and in the Fifteenth Year of the Reign of his said late Majesty King George the Second, shall be, and the same are hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of his late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters, and Things, in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters, and Things whatsoever, in this Act contained, shall, for the Purpose of repairing, widening, and keeping in Repair, the Roads

The recited Acts further continued for 21 Years.

Roads by the said Two before recited Acts directed to be repaired, and also for the Purpose of repairing, widening, and keeping in Repair, the said additional Road herein before particularly described, and hereby intended to be amended, take Place, and shall commence from and immediately after the passing of this Act, and shall continue in Force until the Expiration of the said further Term of Twenty one Years, and to the End of the then next Session of Parliament.

Trustees Names.

And be it further enacted by the Authority aforesaid, That the most honourable James Brydges Esquire, commonly called Marquis of Carnarvon; the Earl of Bellamont in the Kingdom of Ireland, the honourable John Ward, Sir John Morgan Baronet, Sir Hungerford Hoskins Baronet, Sir Edward Winnington Baronet, Sir James Hereford Knight, Yerrow Arrowsmith, Obadiah Arrowsmith, Charles Barrow, William Barnes Clerk, John Baylis, John Beale, John Bennet, Robert Biddulph, Michael Biddulph, Benjamin Biddulph Clerk, Francis Biddulph, William Brydges, Thomas Brydges, John Brydges Clerk, Henry Bright, Robert Bright, Lowbridge Bright, Richard Brooke, William Brooke, William Buckle, William Cam; John Cam, Edward Pye Chamberlayne, Richard Chambers Clerk, Henry Cliffe, Robert Cliffe junior, John Cocks, Charles Cocks, John Cocks Clerk, Joseph Cocks, Philip Cocks Clerk, James Cocks, Thomas Somers Cocks, Richard Cocks, Robert Cocks, James Cooper, Velters Cornewall, John Cowcher Clerk, William Dowdeswell, John Drew, Thomas Foley, Thomas Foley junior, Robert Foley D. D. Robert Foley Clerk, Thomas Freeman, William Cope Gregory, John Guise, Francis Geers, D. D. Thomas Gwillim, the honourable and Reverend John Harley, the honourable Thomas Harley, Robert Harley, William Hale Clerk, Richard Hallings Clerk, Richard Hall, Thomas Hammond, Charles Handford, William Hankins, John Hankins, John Hankins the younger, Robert Harcourt, Robert Harden Clerk, John Hartland of the Lodge, William Hayward Clerk, Thomas Higgins the younger, Thomas Hill, Thomas Hill the younger, Richard Hill, Richard Hill the younger, James Hill of Ledbury, John Holder, Richard Hopton, Richard Cope Hopton, Richard Cope Hopton Barrister at Law, William Cope Hopton Clerk, Ralph Cope Hopton Clerk, Chandos Hoskins, Thomas How, John Homes, Richard Jackson Clerk, Joseph Jarvis, John Jones Clerk, Canon of Hereford; Henry Jones, Uvedale Kyffen D. D. Edmund Lechmere, Nicholas Lechmere, Thomas Lewis, Reginald Lyggon, William Lyggon, Richard

Richard Morley, John Martin junior, John Morton Clerk, John Mountfort, John Mutlowe, John Nash, Samuel Nibblett, William Nourse, James Poole Clerk, James Poole, Thomas Symonds Powell, Michael Powles, Uvedale Price, George Prichard, James Poole, Noble Wallwyn Pytts, Edmund Pytts, Robert Raikes, John Reeve, Thomas Russell Clerk, Canon of Hereford, John Studamore, Edward Southwell, Walwyn Shepheard, John Skipp, John Skipp, John Skipp, William Skynner, John Skynner, Richard Symons, Thomas Skynner, Henry Smith, Guy Stone Clerk, Philip Tomlins, Jacob Tonlon, Herbert Trist, Thomas Tracey, Herbert Westfaling, Philip Westfaling, Thomas Warter Clerk, James Walwyn, James Walwyn the younger, Reginald Wynniatt Clerk, John Wood senior, John Wood, Cave Woodhouse, Samuel Wickens Clerk, Thomas Wickens Clerk, Thomas Williams, John Wood the younger, Plunkett Woodrisse, Robert Dobyns Yate, shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, altering, turning, widening, repairing, and keeping in Repair, all the said Roads, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

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 a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two 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 the Execution of this Act.

Penalty on acting, not being qualified.

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 Bowling Green House in the Parish of Ledbury, on the Day Month after the passing of this Act, and proceed to the Execution of this Act, and shall then, and from time to time afterwards, adjourn themselves to meet at such House or Place within the said Town or Parish of Ledbury, as the said Trustees, or any Three or more of them, shall think most convenient: 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 be erected upon or cross 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 Twenty first 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 at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for such Purpose; 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 in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act, Meeting to be adjourned.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present; nor to be revoked but by a greater Number.

No Trustee to accept a 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 Two Trustees shall be sufficient for the Purpose of Adjournment: And if it shall at any Time

In case the the Clerk shall omit to give Notice, Trustees may do it.

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 Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten 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 that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be 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 Seven 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 Twenty one Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

21 Days Notice thereof to be given.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may continue or remove the Turnpikes already erected upon the said Roads, and may cause to be erected any Turnpike or Turnpikes in, upon, or cross any Part of the said respective Roads by the said Acts and this Act directed and intended to be made and repaired, and also upon the Side or Sides of any of the said Roads, and cross any Lane or Way leading into the same respectively, and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike, and from time to time to remove or alter the same, as they the said Trustees, or any Seven or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every

and take the following Tolls thereat.

such

such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time, appoint for that Purpose, or to whom the same shall be lett, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair, drawn by Six Horses, the Sum of One Shilling and Six Pence. The Tolls,

For every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair, drawn by Four Horses, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Hearse, Calash, Chaise, or Chair, drawn by less than Four Horses, the Sum of Six Pence.

For every Horse drawing any Waggon, Wain, Cart, Car or Carriage, the Sum of Four Pence.

And for every Ox or other Neat Cattle drawing any Waggon, Wain, Cart, Car, or Carriage, the Sum of Two Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect such Tolls, to seize and distrain any Horse or Horses or other Cattle, or any Goods or Carriage, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell and dispose of the Horse or Horses, Cattle, Carriages, Goods or Chattles so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, Tolls to be levied by Distress and Sale.

thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and that all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Tolls vested in Trustees.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses already erected, or to be by virtue of this Act erected upon the said Roads, and the Right and Property of the Materials provided for building or repairing the same, and of all Materials which shall be actually got or collected 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 impowered to bring, or cause to be brought, an Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take or retain, or hold Possession thereof, after being required by the Order of any Five or more of the said Trustees, to deliver up the same.

Tolls to be applied in repairing the Roads.

And be it further enacted by the Authority aforesaid, That the several Tolls and Sum and Sums of Money to be raised and made payable by virtue of this Act, shall be subject to the several Appropriations herein after mentioned, and be paid and disposed of in Manner following; that is to say, All such Tolls and Sums of Money which shall be raised or collected at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected upon, cross, or on the Sides of, the Road or Roads leading from the Borough and Town of Ledbury through the Gate called The Homend, to Stokes Court in the Parish of Stoke Edith in the County of Hereford, and from a Place called The Trumpet, to Stretton Grandsome, and to the Parishes of Cannon Froome, and Castle Froom, in the said County, shall be laid out and applied in repairing, widening, turning, altering, and keeping in Repair, the said Roads only, in such Manner as the said Trustees or any Five or more of them, shall direct and appoint; and all such Tolls and Sums of Money which shall be raised or collected at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected by virtue of this Act, upon, cross, or on the Sides of, the Road or Roads leading from the said Borough and Town of Ledbury through the Gate called the South-end, to the Parish of Bromesberrow

Bromesberrow in the County of Gloucester, and through any Gate or Gates to be erected on, across, or on the Sides of, the additional Road continued through the said Parishes of Bromesberrow and Dimock in the said County of Gloucester; and the several Parishes of Rid Marley Dabitott and Staunton in the said County of Worcester, to a Place called Staunton Swan, in the great Road leading from the Borough and Town of Ledbury aforesaid, to the City of Gloucester, and from the said Place called Staunton Swan, into and through Corse Lawn, till it meets the great Road leading from the said City of Gloucester to the City of Worcester, through the Market Town of Upton upon Severn in the said County of Worcester, between the Seventh and Eighth Mile-stones erected upon the said Road, shall be laid out and applied in making, repairing, widening, turning, altering, and keeping in Repair, the said Roads only, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint; and all the Tolls and Sums of Money which shall be raised or collected at any other Gate or Gates, Turnpike or Turnpikes, erected or to be erected on the several other Roads hereby directed to be repaired, shall be paid, applied, and disposed of, in Manner following; that is to say, Three Fifths of the said Tolls and Sums of Money shall be laid out and applied in repairing, widening, turning, altering, and keeping in Repair, the Roads leading from the said Borough and Town of Ledbury, through the several Gates and Turnpikes called the Horseland, the Back Lane, and the Back Homend, leading severally to a Place called the Wych, in the Parish of Colwall in the said County of Hereford, and to the Parish of Little Malvern in the County of Worcester, and also to the End of the Parish of Eastnor in the Road leading to Tewkesbury in the County of Gloucester, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint, and that the other Two Fifths shall be laid out and applied in repairing, widening, turning, altering, and keeping in Repair, the several other Roads leading from the said Borough and Town of Ledbury, through the New Street and Bye Street Gates, to a Place called the Rye Meadow, in the Parish of Much Marcle, in the County of Hereford, in the Road leading to the Market Town of Ross, and to a Place called the Broad Field, in the Parish of Aylton, in the County aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint.

Provided

Application of the Monies.

Provided nevertheless, and be it further enacted, by the Authority aforesaid, That out of the Monies that shall be raised by virtue of this Act, all the Charges and Expences of procuring the same, and other the reasonable Charges incident thereto, shall be first satisfied and paid by and in the Shares and Proportions following; that is to say, Three Eighth Parts of such Charges and Expences by the South-end and the additional new Road jointly, Two Eighth Parts by the Homend and its Branches jointly, Two Eighth Parts by the Horsland and its Branches, and the remaining Eighth Part by the New Street and its Branches; and from and after the Payment thereof, then that the several Tolls and Sums of Money to be raised and made payable by virtue of this Act, shall be paid, applied, and disposed of, in Manner herein before mentioned.

Trustees may vary the Tolls.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven 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 the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who, at the Time of such Reduction, shall have 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, at least Fourteen 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.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once (except as is herein after excepted) 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 Gates or Turnpikes erected or to be erected upon, near, or on the Sides of, any the said Roads by the said former Acts and this Act directed to be made and repaired, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid Toll Once as aforesaid, shall during the Remainder of such Day,

Day, pass Toll-free, with the same Cattle and Carriages, through the Gate or Turnpike at which any such Toll was paid, and also through all other Gates or Turnpikes across or on the Sides of any the Roads aforesaid, or cross any Lane or Way leading into the same, upon producing a Note or Ticket denoting the Payment of such Toll, which Notes or Tickets the Collectors of any the said Tolls are hereby required to give gratis on Receipt of the Toll.

Exemptions from Tolls.

Provided also, 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, after being loaden with, or being laden only with Stones, Gravel, or other Materials, for repairing the said Roads, or any Highway, or Materials for building (except as herein after is excepted) in any of the Parishes or Townships through or into which any Part of the said Roads lead, or in any of the neighbouring Parishes; or for any Cattle or Carriage laden only with Faggots, Cord-wood, or Coal, or going for or returning unloaden, after having been loaden with or being loaden only with Hay or Corn in the Straw, belonging to or for the Use of any of the Inhabitants of any of the said respective Parishes or Townships; or with any Dung, Mould, Compost or Manure of any Nature or Kind whatsoever (except as herein after excepted) to be used in manuring or improving of Land in such Parishes or Townships; nor for any Carriage or Cattle going for or passing with any Plough, Harrow, or other Implement of Husbandry only, which shall belong to any of the Inhabitants of any of the Parishes or Townships through or into which any Part of the said Roads lead; or for any Horses, or other Cattle, or Beast, going to or from Water or Pasture, or unladen, to be shoed; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Gloucester, Worcester, and Hereford, during the Time of such Election respectively, or on the Day before or Day after such respective Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being in-

Penalty on making illegal Claims.

titled

titled to the same, every such Person shall forfeit the Sum of Forty Shillings.

Proviso. Provided nevertheless, and be it further enacted by the Authority aforesaid, That nothing herein contained shall exempt Lime from the Payment of Toll, except upon the said additional Road hereby intended and directed to be made and repaired, and also except such as shall be conveyed into the Town of Ledbury in Carts drawn by One Horse each.

Penalty on evading the Tolls. 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 by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall knowingly or designedly assault, 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 forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, or shall unload any Cattle or Carriage, or, having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said respective Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place lying by the Side of, or near to, either of the said Roads, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in Order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Persons, and every of them, so offending, shall, for every such Offence, forfeit

Penalty on Persons giving or receiving Tickets, &c.

or going thro' or permitting private Passage, &c.

to avoid Payment of the Tolls.

forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they, and every of them respectively, shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods, belonging to, or in the Possession, or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they shall, or shall not appear before him, in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and selling the same, and of such Convictions, and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress, and Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are herein after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act.

Penalties may be levied by Distress and Sale.

And whereas of late Years the Tolls have been much lessened upon the said Roads, by the artful Practice of Persons haling for Hire in carrying Cyder and other Goods out of the said Town of Ledbury through the Turnpikes erected at the different Entrances into the said Town upon the same Day, and depositing such Lading at their own Houses, or other Places near the said Town, and proceeding therewith, upon the following Days, several Miles along the said Turnpike Roads, without paying any Toll; be it therefore further enacted

by

Passing through the Town of *Ledbury* more than Twice the same Day, Toll to be paid.

by the Authority aforesaid, That every Waggon, Wain, or Cart, travelling for Hire, and being loaded with Cyder, Goods, Wares, Merchandize, or other Things (Manure for Land, if the same be laid upon the Land the same Day, and Hay and Straw, only excepted) which shall be drawn out of or through the said Town of Ledbury, shall pay the Toll or Duty, by this Act laid, every Time such loaded Waggon, Wain, or Cart, shall pass through the same Gate or Turnpike more than Twice in the same Day; any thing herein before contained to the contrary notwithstanding.

Tolls may be assigned for Money borrowed,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, at their first or any subsequent Meeting, to borrow and take up, at legal or lower Interest, any Sum or Sums of Money upon the Credit of the Tolls payable by virtue of this Act, upon the said additional Road, and also upon the said other Roads respectively, as the same are herein before united; and to assign over and convey the said respective Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid: And Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose given in the Gloucester Journal, or fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons, to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall

14 Days Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

cause

cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments; for which the Clerk of the Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may, at all reasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, such Assignment or Transfer shall invest such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in such Manner, assign or transfer again, and so, toties quoties; and shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Money thereby due.

Clerk's Fee.

Provided always, That no Money shall be borrowed on the Credit of the Tolls, or Shares of Tolls, to be taken on the said Roads jointly, but of each of them separately and distinctly as the same are herein before described.

Proviso.

Provided likewise, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments, or other Securities to be made in pursuance of this Act, or any of either of them.

Trustees not subject to the Payment of Debts contracted under this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, upon Fourteen Days Notice being given in the Gloucester Journal, or in Writing affixed on the several Turnpikes for that Purpose, and let or farm by the Year the Tolls to be taken at any of either of the Turnpikes, by virtue of this Act to be continued or erected, to any Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively, and the Trustees that let the same, and be not made for more than Three Years at a Time; and that the Money that shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees by Four equal quarterly Payments or

Trustees may lease, &c. the Tolls.

ments; and that the Person or Persons to whom the said Tolls shall be so lett, shall always pay down One Quarter's Pay in Advance; and if any Letting, or Agreement for Letting, the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void; and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, by the same Means, and in the same Manner, as are by this Act directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for levying and recovering the same upon and of them.

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 impowered, by Writing under their Hands, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper; and from time to time, to remove such Officer or Officers, and on the Death or Deaths, Removal or Removals, of such Officer or Officers, to appoint others in their Steads; but Seven Days Notice shall be given of every Meeting, where any such Appointment or Removal shall be made, after the First Meeting of the said Trustees, upon all the said Turnpikes; and by and out of the Monies that shall be raised on or for the Repairs of the said additional Road, or of the said other Roads respectively, may and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in repairing, widening, or altering the said Roads respectively, and otherwise putting the Powers of this Act given in Execution, as they shall think reasonable: Provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or a Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Treasurer to give Security.

their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; and that no Person shall be capable of holding any Place of Profit under this Act who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer, verify their said Accounts: And if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of the said former Acts or this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; 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 Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County or Place

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

Place wherein such Officer or Person so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before them, and, upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Person; and if no Goods or Chattles of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale; then, and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol of the County, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

and commit the Offender,

until Payment or Composition made.

Provided always, That as often as any Collector of the said 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 any 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 Collectors, tho' not at a publick Meeting.

And

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Roads, or any of them, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge 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 County wherein such Difference shall arise, 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

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;

making Satisfaction to the Owners.

Justices to determine Differences.

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.

Surveyors to remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and convert the same to his or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and as large as he or they shall think necessary; in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Fourteen Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto (except as is herein after excepted) and to cut down or reduce all such Hedges to the Height of Three Feet; and to take, carry away, and sell, the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Forty Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion House belonging to the Land on which the same shall stand, under the Hands of Five of the said Trustees, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoy-

the Owners neglecting to remove the same after Notice;

and cut down Bushes, &c.

Penalty of a Second Offence.

ances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Timber Trees not to be cut down.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to impower the said Trustees, Surveyors, or other Persons, or any or either of them, on any Account, to cut down any Maiden Oaks or Elms growing in the Hedges or Banks of, or adjacent to, any Part of the said Roads, except only in such Place or Places where the Road shall be of less Breadth than Fifty Feet, including the Ditches, and except after Nine Months Notice.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any River, Stream, Brook, Water, Ditch, or Drain, therein, or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Ground,

and make a temporary Road;

erect Bridges,

making Satisfaction to the Owners of the Ground.

Penalty of obstructing Officers in their Duty, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt or hinder, or cause to be assaulted, interrupted or hindered, any, or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them,

them, or by the said Trustees, or any Five or more of them, for those Purposes employed in the cutting, digging, taking or carrying, of any Furze, Heath, Sand, Gravel, Stones, or other Materials, for the altering, widening, or repairing, the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying, of any Tree, Top, Lop, or Over-hangings, or digging, cleansing, or scouring, any new or other Ditch, Drain or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, or altering, the said Roads, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Persons whatsoever, who, by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the Roads, by this Act intended to be repaired, or either of them, do or doth lead, and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year, do Three Days of such Statute-work or Duty, in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, by virtue of this Act appointed, or either of them, shall, for those Purposes, direct or appoint; and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor; and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Six Days next after Notice in Writing to him

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

one

him or them respectively, for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers or any and what other Duty to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do their respective Statute-work or Duty on the said Roads, at such Times and Places, and in such Manner as, according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner, herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant shall, for every such Neglect or Offence, forfeit the Sum of Forty Shillings.

Penalty on Persons not performing Statute-work.

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

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the Roads, by this Act intended to be repaired, do lead, for the Statute-work and Labour by them respectively, by virtue of this Act, to be done in the said respective Roads, in every Year; the several Sums of Money at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Compositions.

Trustees may compound for Statute-work.

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

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of or near to any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Roads (provided that such Part or Parts of the said Roads, as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Fifty Feet, including the Ditches), and to pay for the same Lands and Hereditaments respectively, by and out of the Tolls and other Monies that by virtue of this Act shall be raised on the respective Roads, for the widening, turning, or altering of which such Lands or Hereditaments shall be so respectively purchased; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees, by this Act appointed or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

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

Owners neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee or other Person or Persons whatsoever, intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed, or to be appointed by virtue of this Act, or any Nine or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the Roads by this Act intended to be repaired, or any Part thereof, shall, upon Application to them,

them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments; or if by reason of their, or any of their Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments, then, and in either of such Cases, the said Trustees, or any Five or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees, at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased, and the said Sheriff or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Four clear Days Notice of the Time and Place of his Attendance, and the said Jurymen are hereby required to attend accordingly, and the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Natures, Situation and Quantities of such Lands or Hereditaments, and the Time when, and Place where the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors on their Oaths, of the Value of such Lands and Hereditaments, and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the By-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall

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

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

shall have their lawful Challenges; and the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in charge to the said Jury that shall be sworn, may, and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves, and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments as they shall think proper; and the said Jury, being so informed, shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of, and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations, Aggregate and Sole, Infants, Feme Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office, relating to the Premisses, or if any Juryman so summoned as aforesaid shall not appear, or appearing, shall refuse to be sworn, or if sworn, shall not find his Verdict concerning the Matters that shall be given him in charge; or if any Witness being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing, shall refuse to be sworn, and thereupon to give to his Evidence concerning the Matters aforesaid, every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

Jury to settle the Damage and Recompence.

Verdict of the Jury to be final.

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

Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgements of the Trustees, concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and

Conveyances, &c. to be entered in a Book.

shall

shall be inrolled with the Clerk of the Peace of the County where the same shall lie, and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same; or in case of want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then, on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway, and the said Lands and Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers as the Roads by this Act intended to be repaired are hereby directed so to be; and after any such new Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands to which such new Road doth not lead, shall be and are hereby vested in, and may be exchanged, or sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

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

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled 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 Tree 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 wilfully drive any loaded

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

Waggon, Wain, or Cart along any Foot or Horse Causeway, being Part of, lying near, or adjoining to, the said Roads; 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 such Causeway as aforesaid, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways to the Annoyance or Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile stones erected.

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 Stones or Posts to be set up on the Sides of the said Roads, at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from some 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 break or pull down, dig up, or damage the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety (after replacing or repairing the respective Stones or Posts that shall be removed or damaged) shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed, are hereby directed to be applied.

Penalty on defacing Mile-stones.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such

such Person or Persons shall be so brought; or if the said Person or Persons cannot easily be met with or found; then, upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Cases required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance; such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints, in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects, and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress or Distresses for those Purposes, shall issue a Warrant or Warrants, under his Hand and Seal, for the apprehending and taking such Offender or Offenders, and for committing him or them to the Common Goal of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures, and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them; and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive; and, upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures, and Charges.

For want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed,

posed, other than and except such of such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Roads, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself, or herself, aggrieved by any Act, Order, Conviction, Judgement, or Determination, of any Justice or Justices, that shall be done or made by virtue of this Act, such Person may appeal against the same to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held for the County where the Matter shall arise after such Act, Order, Conviction, Judgement, or Determination, shall be done or made, upon Eight clear Days Notice thereof in Writing, if so many before the said next Sessions, being given by such Person to any Surveyor or Collector of the said Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made; and the said Justices at their said Sessions may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals as they shall judge proper; and which said Judgements of the Justices, at their Sessions, shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied and recovered by Distress and Sale of the Goods and Chattles, and by Commitment of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed, are herein before directed to be levied and recovered.

Proceedings not to be quash'd for want of Form.

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had, by the said Trustees, or by any

any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or shall be removed by Certiorari or otherwise into any Court of Record at Westminster. nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings, of the Trustees, to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books, to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and that no Act or Order shall be done or made by any of the said Trustees, except at a publick Meeting of them the said Trustees to be held in pursuance of this Act; and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Clerk or Clerks, and being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever. Proceedings to be entered in a Book.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever relating to the Execution or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons for any thing done or to be done by virtue of this Act, till after Eight clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County where the Cause of such Action shall arise, and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act, and the Special Matter in Evidence, and that the same was done by virtue hereof; and if on the Trial of such Action, it shall appear that the same was brought before the Expiration of Eight clear Days next after such Notice shall have been so given or left as aforesaid, or after the end of Six Calendar Limitation of Actions. General Issue.

lendar Months next after the Cause thereof shall arise, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury on the Trial of such Action, shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same, after the Defendant or Defendants shall have appeared thereto, or shall be Nonsuited; or if, upon Demurrer, Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

Treble Costs.

Distress not unlawful for want of Form;

Provided always, and be it further enacted, That if any Action at Law shall be brought against any Person for any thing done in pursuance of any Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or other Proceeding of or from the said Trustees, or of or from any Justice of the Peace, or of the Quarter Sessions, the Defendant or Defendants in such Action shall not be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form, or other Irregularity of or in any such Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or Proceeding; nor shall the said Defendant or Defendants be deemed a Trespasser or Trespassers ab initio, for or on account of any Irregularity which shall afterwards be done by him, them, or either of them; but the Person or Persons aggrieved by such Irregularity, shall recover Satisfaction only for the Special Damages, in an Action or Actions on the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Public Act.

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

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