Anno quarto

Georgii III. Regis.

An Act for widening and repairing the Road leading from *Aſhborne*, in the County of *Derby*, over *Belpar Bridge*, to the preſent Turnpike Road from *Sheffield* and *Cheſterfield* to *Derby*, at or near a Place called *Openwood Gate*, and from *Belpar Bridge* to *Ripley*, in the County of *Derby*.



WHEREAS the Road leading from Aſhborne, in the County of Derby, over Belpar Bridge, to the preſent Turnpike Road from Sheffield and Cheſterfield, to Derby, at or near a certain Place called Openwood Gate, and alſo the Road leading from Belpar Bridge, to the Town of Ripley, in the County of Derby, is ruinous, and, in ſeveral Places, very narrow and incommodious, and liable to great Obſtructions in Time of Floods, for want of Bridges or ſafe Fords, and cannot be properly amended, widened, and repaired, by the Laws now in being; 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 Reverend John Addenbrook D. D. John Alſop, John Buxton of Aſhborne, Thomas Bedford, John

Preamble.

Truſtees Names.

3

John Buxton of Compton, Thomas Bainbrigge, Edward Buxton, Brooke Boothby, Richard Beresford, Theophilus Brough, John Barnes, Robert Brough, Francis Barber, Robert Barber, Anthony Bradley, George Buxton, John Buxton of Thorp, German Buxton, Arthur Bowyer, John Blackwall, the Right Honourable George Cavendish Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called Lord John Cavendish; Wenman Coke, Uriah Calden, John Chatterton, William Cotton D. L. Hugh Chamberlin, Thomas Dockfey, Hope Dockfey, Robert Dale, Robert Dale the younger, Tertius Dale, Samuel Dawfon, William Etches, William Etches the younger, Edmund Evans, Charles Enfor, William Fitzherbert, John Fitzherbert, James Fitzherbert, Goodyere Fletcher, Hugh Fletcher, John Fletcher, Richard Fitzherbert, Henry Ford, George Gould, William Gould, John Goodwin, George Goodwin, William Goodwin, Edmund Buxton Goodwin, John Grefley, Philip Gell, the Right Honourable John Manners Esquire, commonly called Marquis of Granby; Joseph Greaves, John Greenfmith, George Gretton, Thomas Gell, Bernard Granville, Sir Henry Harpur Baronet, Greenwood Holmes, John Hurd, Edward Hurd, Nicholas Hurt, Francis Hurt, Robert Hurft, John Allen Holebrook, Leighton Haine, John Haine, Ralph Harrifon, Francis Johnfon, William Langley, Robert Longden, William Lees, William Lomas, Thomas Lea, Hugo Meynell, Simon Milnes, John Milward, George Mellor, Samuel Mellor, Richard Milward, John Marfhall, Walter Mather, Leak Okeover, Ralph Oakden, George Port, Peter Parr, William Rawlin, Robert Rotton, Richard Riddlefden, William Shore, John Spencer, David Stone, Henry Scott, George Sparrow, Stubbs, John Taylor D. L. Paul Taylor, William Taylor, John Twigg, Nicholas Twigg, William Tomlinfon, Loton Tipper, Chriftopher Tomlinfon, the Honourable George Venables Vernon, John Walker, John Walker junior, William Walker, Edward Walker, John Whieldon, the Reverend Thomas Winder, Robert Wood, Thomas Watfon, John Watfon, Richard Wilkinfon, John Wilkinfon, Sir Edward Wilmot Baronet, Robert Mead Wilmot, Edward Wilmot, Sir Robert Wilmot Knight, Sir Eardley Wilmot Knight, Richard Whitby, and their Succeffors, to be elected in the Manner herein after-mentioned, fhall be, and are hereby appointed Truftees for putting in Execution all the Powers in and by this Act given and granted,

3 And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the Blackmoor's Head Inn, in Ashborne aforesaid, or at some other convenient Place in the same Town of Ashborne, on that Day Month next after the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places near the said Roads, as they the said Trustees, or any Five or more of them, shall from time to time think most convenient for putting this Act in Execution: And if, at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present and concur therein; nor shall any Trustee be capable of acting in the Execution 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 Peace may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

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 unless 9 are present.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from time to time, to elect One other Person, to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting

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

10 Days Notice thereof to be given.

ing for every such Election shall be fixed upon all the Turnpikes erected by virtue of this Act, at least Ten 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.

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 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 Forty Pounds above Reprizes, or possessed of, or intitled unto, 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 One hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads, and also One or more Toll-house or Toll-houses, with suitable Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Roads, or any Part or Parts thereof, as many Garden-spots as there shall be Toll-houses thereupon, suitable and convenient for each respective Toll-house or Toll-houses; and pull down and remove the same, as they the said Trustees, or any Five or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall, from

and take the following Tolls thereat.

time

time to time, appoint to receive the same at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same; that is to say,

The Tolls.

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

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

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

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

Tolls to be levied by Distress and Sale.

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 for collecting of such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and 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, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and 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.

Trustees may erect Sidegates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or By-way that

and take Tolls thereat, that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof; so as the same do not extend to a double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

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

Proviso. Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall not travel at least One hundred Yards upon the said Roads.

Turnpikes, 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 to be erected or provided by virtue of this Act, and of the Materials for building the same, and also 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, any Action or Actions, in the Name or Names of any One or more of them; or of their Treasurer or Clerk, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Monies. And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall in the first Place pay all the Expences incurred in, and in relation to, the obtaining of this Act, and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Trustees may reduce the Tolls. 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, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein

herein before-mentioned; and the said Trustees, or any Five or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the Turnpikes, as they the said Trustees, or any Five or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons, who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof in Writing to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once at any Toll-gate or Turnpike to be erected upon the said Roads, 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 Horses, Cattle, Beasts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the said Roads, and on the Sides thereof, and cross any Lane or Way leading into the same; but all and every Person and Persons, after having paid Toll Once, at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll) shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through the same Gate or Turnpike.

Two Tolls and an Half to be paid for passing thro' all the Turnpikes.

Provided always, That no more than Two whole Tolls and an Half shall be demanded or taken from any Person or Persons for passing and re-passing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the Toll-gates or Turnpikes to be erected by virtue of this Act; but that all and every Person or Persons having paid Two whole Tolls and an Half, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which

Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Tolls) shall pass and repass with the same Horses, Cattle, Beasts, or Carriages, Toll-free during such Day through all the Toll-gates or Turnpikes to be erected by virtue of this Act.

Proviso. Provided also, That no more than Three Fourths of the Toll by this Act granted shall be demanded or taken at any Toll-gate or Turnpike that may be erected at, upon, or within the Distance of One Quarter of a Mile from Belpar Gate.

Trustees may compound with Travellers. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition-money shall be paid quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls in respect whereof such Composition is made are directed to be applied.

Trustees may lease the Tolls. 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, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Four Years, for the best Rent that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

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, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a Publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament,

shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast; or shall take off, or cause to be taken off, any Horse, or other Cattle from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or, with such Intent, shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereafter directed to be applied.

or giving or receiving Tickets,

or taking off Horses, &c.

to avoid Payment of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring or improving of Lands; or for any Person or Persons residing in any Township or Parish in which the said Roads do lie, going to or from their proper parochial Church, Chapel, or other Place of Religious Worship, on the Sabbath-day or Sunday, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post Horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent

Exemptions from Tolls.

sent by legal Pafles; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Derby or Nottingham, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Clerk's Fee.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Five or more of them, shall think proper, to borrow and take up at legal or less Interest such Sum and Sums of Money as they, or any Five or more of them, shall think fit; and also they the said Trustees, or any Five or more of them, may and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such original Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, 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 so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments 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 upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose stated in Writing upon all the Turnpikes erected by virtue of this Act, at least fourteen Days before the borrowing thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, 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 to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to

All Creditors to be deemed Proprietors.

Tolls may be assigned for Money borrowed.

Trustees may appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers 14 Days Notice to be given of borrowing Money upon Tolls.

Assignments may be transferred.

the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages; for which such Clerk or 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 Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon, and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it 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 Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Entries to be made of all Assignments.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and 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 Officers and 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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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 Oaths the said Trustees, or any Two 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 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 Ten 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 this Act; then in each, any, or either, of the said Cases, any One or more Justice or Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Enquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, 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 have compounded 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 have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender, until Payment or Composition made.

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

Treasurer to give Security.

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint

Trustees may appoint Collectors, tho' not at a publick Meeting.

point any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Officers removable at Pleasure.

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, 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 also by Order of the said Trustees, or any Five or more of them, to 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, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds 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 the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

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.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such 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

Surveyors to remove Annoyances, &c.

Annoy-

Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, 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 large as he or they shall think necessary; 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, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors 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 Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and 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 to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in Width; 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

Surveyors may make Causeways, &c.

and also widen the narrow Parts of the Roads;

Avenue to any Poule, 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; 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 no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Wood, or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever seised of, interested in, or intitled unto such Lands, Tenements, or Hereditaments, in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them,

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

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

them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, or to contract for, and give in Exchange, any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Roads or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Road is intended to be diverted, turned or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained, by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such Trustees, or any

Owners neglecting to treat, &c.

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Five

Five or more of them) shall, by ordering in Writing or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses; And after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, as well as all other Person or Persons whomsoever: And, for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men either of the Standers by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn. And the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to

Verdict of the Jury to be final.

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

Jurors may be challenged.

time

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

time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully 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, shall refuse or neglect to appear, or, appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Five Pounds, nor less than Twenty Shillings, on any One Person, for One Offence.

Fine not to exceed 5 *l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Roads as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are by this or any other Law to be amended; and, from thenceforth, all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting

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.

ſtituting the former Roads, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Roads do not lead, ſhall be ſtaked in, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the Roads by this Act directed to be repaired, or the ſaid Truſtees, or any Five or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands, ſo conſtituting the former Roads, for any Part or Parts of ſuch new Roads: But this Act ſhall not extend to the taking down any Dwelling-houſe or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a Houſe, without the Conſent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithſtanding.

Buildings, &c. not to be injured.

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

Truſtees not to act where intereſted.

And whereas ſome Parts of the Roads by this Act to be repaired lie over ſeveral Moors, Commons, Waſte Grounds, open Fields or Paſtures; and if the ſame were to be incloſed, the ſaid Roads may not be left of a ſufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the ſaid Roads over any Moor, Common, Waſte Grounds, open Fields or Paſtures, ſhall be made or repaired in purſuance of this Act, the ſaid Roads ſhall for ever thereafter be and remain Forty Feet broad, and be deemed publick and common Highways.

Roads to be 40 Feet wide.

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining any Part or Parts of the ſaid Roads, or any Bridge or Bridges therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the making of this Act; and that all Inhabitants of the Townſhips, Pariſhes, and Places, in which any Part of the ſaid Roads lie, and all other Perſons liable to perform the Work commonly called Statute-work upon the ſaid Roads, ſhall remain ſubject to the Performance of ſuch Work: And every Perſon who ſhall rent, hold, or occupy any Lands,

Rents, &c. chargeable to the Highway, to continue ſo.

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

Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens, or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, shall from time to time direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed

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

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

appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums hereinafter mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person; and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

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

Trustees may compound for Statute-work.

Surveyors paying the Composition Monies, how to be reimbursed.

imburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Penalty on haling Timber otherwiſe than on Wheel Carriages.

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 (Mill-ſtones excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of ſuch Roads to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit 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 cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion before any Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward) every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings, for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe ſuch Penalty ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid; and every ſuch Offender in either of the ſaid Caſes ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately

Penalty on defacing Mile-ſtones.

delivered

delivered to a Constable, or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, the Manner of levying and recovery whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Overplus Money to be returned to the Owner.

For want of Distress, Offender to be committed.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of

such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten entire Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Writings to be without Stamps.

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

Proceedings to be entered in a Book.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for

that Purpose; and such Orders and Proceedings to be entered, shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence, in all Courts whatsoever.

Commencement and Continuance of this Act.

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

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

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

Limitation of Actions.

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

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ants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Public Act.

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

FINIS.