Anno quinto

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading from between the Second and Third Mile-ſtones on the Turnpike Road between the Town and County of *Poole* and *Winborn Minſter*, in the County of *Dorſet*, to *Bratton Corner* in the County of *Somerſet*.

WHEREAS the Roads leading from between the Second and Third Mile-ſtones on the Turnpike Road leading from the Town and County of Poole, to Winborn Minſter in the County of Dorſet, through the ſeveral Pariſhes, Hamlets, Tithings, and Places, of Great Canford, Corfe Mullen, Combe Almer, Sturminſter Marſhal, Spetiſbury, Charlton Marſhal, Langton, Long Blandford, Blandford Saint Mary, and Brianſton, in the ſaid County of Dorſet, to the Turnpike Road there leading from Blandford Forum in the ſame County, to Dorcheſter in the ſaid County; and from thence through the ſeveral Preamble.

Parishes, Hamlets, Tithings, and Places of Brianston aforesaid, Durweston, Shillingston, otherwise Ockford, Shilling, Beer Marsh, Child Ockford, Fiddleford, in the Parish of Ockford, Fitzpain, Bellehalwell, and Sturminster Newton Castle; and also through Part of the said Parish of Sturminster Newton Castle, to the Bridge Foot there, and over the said Bridge through the Town of Sturminster Newton Castle, and through Part of the Parish of Hinton Saint Mary, to Walton Elm in the Parish of Marnhull, and from thence over King's Mill Bridge, and through Part of Stalbridge Common, and through the Town of Stalbridge, in the said County of Dorset; and from thence to and through Henstridge, in the said County of Somerset, to the Turnpike Road there leading from Shaston, in the County of Dorset aforesaid, to Millborn Port, in the said County of Somerset; and from thence to and through Henstridge aforesaid, Yeanson, Abbas Coombe, Temple Coombe, Horsington, South Cheriton, commonly called Churton, and North Cheriton, in the said County of Somerset, to the Turnpike Road there leading from Wincanton in the said County, to Charlton Horethorn in the same County; and from thence through North Cheriton aforesaid, and Halton, in the said County of Somerset, to the Turnpike Road there leading from Wincanton aforesaid, to Sparkford Bridge, in the said County of Somerset; and from thence to and through Mapperton, Yarlington, and Braddon, otherwise Bratton, to a Place called the Gibbett, or Braddon, otherwise Bratton Corner, in the said County of Somerset, adjoining to the Turnpike Road leading from Wincanton aforesaid, to Cattle Hill Turnpike-gate, are in a very ruinous Condition, narrow in many Places, and dangerous to Travellers; and the same cannot be effectually repaired and widened without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees Names.

Addis Archer Esquire, Benjamin Archer Clerk, Henry Austen, Charles Arrowsmith Gentleman, John Angell, John Allembridge, George Allembridge, John Andrews, the Bailiff and Burgesses of Blanford Forum aforesaid for the time being, John Bankes, William Ben-

net, James Buller junior, Thomas Bower, Joseph Bower, John Bailey, Charles Brune, William Blair, John Bond, Peter Beckford, Robert Barber, Richard Bingham Esquires; James Brooke, John Bennett, William Cleave Gentlemen; John Borroughs, John Bartholomew, Duke Butler, Samuel Baskett, Stephen Bolton, Richard Blackmore, Richard Blackmore junior, John Trenchard Bromfield, John Cooth, George Bingham, Charles Barber Clerks; William Blake, John Benjafield, James Benjafield, William Benjafield, Ambrose Biles, Nathaniel Benjafield, Robert Bett, John Collinger, Thomas Budden, Sampson Boys, Thomas Bird, John Bird, John Baldwin, Mathew Burge, Abraham Bragg, Thomas Brine of Combe Abbis, John Bennett, Richard Blackmore, Thomas Brine of Blanford Saint Mary, Canto Bestland, Henry Biggs, John Browning, John Biles, Stephen Burton, Thomas Bastard, Robert Biggs, James Butler, William Budden, William Brine, John Bull, Awnsham Churchill, Joshua Churchill, William Churchill, George Chafin junior, John Calcraft, Thomas Calcraft, George Clavill Esquires; the Reverend Doctor Samuel Creswick Dean of Wells, William Chafin, John Cooper Clerks; Richard Clerke Surgeon, John Clench, Daniel Corbin, William Colborne, William Cruttwell, John Chaffey, James Chaffey, Samuel Clarke Merchant, John Crane, Robert Curtis, Richard Chapman, William Craddock, George Cross, James Carnocken, William Chefwick, Stephen Carpenter, Nicholas Coward, John Chaffey, Thomas Erle Drax, Edward Drax, John Damer, James Dale, Samuel Dodington, Henry Dampier, John Dennett Esquires; James Dibben, Thomas Dashwood, John Dalton, Clerks; William Dansey Surgeon, William Doggett, Thomas Dashwood, Richard Deane, William Drew, Thomas Deane, Clement Elsworth Clerk, Thomas Etridge Gentleman, James Frampton, Thomas Freke, John Farr, Samuel Farewell, John Fullerton Esquires; Henry Grisley, Edward Fleet, Henry Fitch, Edward Fisher, John Freke Clerks; Samuel Foot, John Foot, John Fooks, Gentlemen; Thomas Feaver, William Foot, John Fricker, Samuel Fezard, Henry Field, James Ford, Joseph Gulston, Thomas Gundry, Radford Gundry, Henry Gapper, Thomas Gould, John Gannett Esquires; Henry Good Clerk, Humphrey Giles, Charles Gapper, Gentlemen; William Galpine, Joshua Gawler, John Garrett, James Garrett, John Green Merchant, John Gray, Charles Green, Robert Gatehouse, William Galpin, Robert Green, Sir

William Hanham Baronet, James Huſſey, Charles Hiley, John Hutchings, Hubert Huſſey, Thomas Hutchings Medlicot, Edward Hallett, Edward Hallett junior, John Hunt, Edward Hooper, Andrew Hopegood, Eſquires; the Reverend James Hanham, John Harris, Henry Hall, Robert Henning, John Hall, John Hemming, Clerks; Nicholas Humphry, William Hayter, Robert Humber, Robert Huſſey, Havelland Hiley, John Hudden, Nathaniel Huſon, William Henvill, Philip Henvill, Gentlemen; Thomas Hyde Merchant, John Hill, Richard Hill, Chriſtopher Hill, Robert Hill, Charles Hutchings, George Hutchings, John Harvey, Eliſha Hunt, John Henning, Henry Holloway, Richard Hayward, Shadrach Hobbs, Charles Head, Richard Hann, John Hoddinot, Samuel Hobbs, John Hart, Robert Hayward, William Jeanes, Nicholas Joyce, Eſquires; Baptiſt Iſaac Clerk, Thomas Jubber, Robert Jubber, Stephen James, Stephen James junior, Robert James Gentleman, Chriſtopher Joliff, Chriſtopher Joliff his Son, Peter Joliff junior, Merchants; John Jukes, Thomas Jefferys, Nicholas Kellaway Eſquire, Hookey King, Robert Lumley Kingſton, Francis Kingſton Gentleman, Samuel Kendall, Samuel Kenniſton, Henry Kains, Sir Robert Long Baronet, Richard Lawrence Clerk, John Leſter, Iſaac Leſter, Merchants; Robert Lambat, Henry Lamb, John Loder, Giles Loder, Gentlemen; James Lovell, David Robert Mitchell, James Mellier, Eſquires; Robert Mitchell Doctor of Phyſick, Thomas Martin, Charles Frederick Moreau, James Metcalfe, Clerks; Mathew Merefield Gentleman, Thomas Muſton Apothecary, Edward Madgwick, George Melmouth, William Moor, Moulton Meſſitar, William Melliar, Gentlemen; William Mackrell, Leonard Martin, Henry Morgan, Robert Nugent, John Newton, Eſquires; William Nairn Clerk, Henry Nooth Surgeon, Thomas Nicholſon Merchant, Moſes Neave, Richard Newman, Robert Noke, George Niprod, Robert Noake junior, Edmund Okeden Eſquire, Andrews Overton, Edward Oliver, Clerks; Edward Oliver, John Oliver, Gentlemen; John Pitt, George Pitt, William Auguſtus Pitt, Thomas Pitt, Edmund Moreton Pleydell, Nevill Moreton Pleydell, Thomas Moreton Pleydell, Jonathan Moreton Pleydell, Henry William Portman, Jocelin Picard, Eſquires; Charles Plucknett, Conyers Place, Edward Place, Penn of Gillingham, Clerks; John Pyke Merchant, Robert

bert Prower Surgeon, Charles Pretor, Ambroſe Penny, Stephen Puddicombe, Gentlemen; William Parker, John Page, John Pitt, Edward Perry, William Rothery, Philip Rideout, Roger Colmer, John Rake, Richard Rogers, Clerks; John Rogers, John Roe, Thomas Rodber, William Ruſſell, Martin Ruſſell, George Roake, Humphry Sturt, William Salkeld, Mathew Spincer, Edward Seymour, Henry Seymour, Henry Seymer, John Shirley, Eſquires; Seymer of Eberton, Gentleman, Henry Saint le Clerk, William Smith, John Smith, John Stacey, John Serrell, Gentlemen; John Skinner Merchant, Edward Seymer, Joſiah Seymer, John Seaplen junior, Richard Stacey, John Street, William Sampſon, James Hedſton, John Shepherd, Robert Sargent, Sir Peter Thompſon Knight, George Trenchard, John Trenchard, John Thornhill, Eſquires; Nathaniel Templeman, Chriſtopher Twynihoe, Chriſtopher Twynihoe junior, Clerks; William Templeman, Richard Tory, Gentlemen; William Tice Apothecary, George Tito Merchant, Thomas Tizzard, John Taylor, John Tulk, John Toogood, William Toogood, Robert Tite, John Tory, Vivers Clerk, Thomas Vowell, Benjamin Vowell, Sir John Webb Baronet, Edward Walter, Ralph Willet, Thomas Weſton, Nathaniel Webb, Thomas Watſon, John Wickham, James Weſt, William Wentworth, John Willis, Walter Whitaker, Eſquires; the Reverend John Walker, Mathew Waſſe, Robert Worgan, Narciſſus Whitaker, Anthony Wickham, John Wickham, John Wood, Clerks; Robert Willis, Samuel Weſton, Richard Weſton junior, Gentlemen; Thomas Walters, John White, Grocers; Joſeph White junior Merchant, John Webb, Simon Webb, Bartholomew Watts, Thomas Withers, Charles Waſſee, Thomas Wind, Robert Wadman, Sir William Yea Baronet, Robert Yetman Clerk, John Young, Thomas Young, Peter Yetman, Morgan Yeatman, Morgan Yeatman junior his Son, and Robert Yetman Gentleman, ſhall be and they are hereby appointed Truſtees for ſurveying, ordering, amending, widening, and keeping in Repair, the ſaid Roads, and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt, of the Rents and Profits of Lands,

Tene-

Tenements, Tithes, or Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent of some Person having a like Estate of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

And be it further enacted, That the said Trustees or any Fifteen or more of them, shall meet together at the House of Charles Wasse, known by the Sign of the Crown, in Blanford Forum aforesaid, on the Eleventh Day of June, One thousand seven hundred and sixty five, and shall proceed to the Execution of this Act, and may adjourn themselves: And if it shall happen that there shall not appear at any adjourned Meeting a sufficient Number of Trustees to adjourn to any other Time or Place, then the Clerk to the said Trustees shall, from time to time, as often as it shall happen, adjourn the said Meeting to the House or Place where the last Meeting of the said Trustees was appointed to be held, at such Time as he shall think fit, not exceeding the Distance of Three Weeks from the Time of any such Default; and shall give at least Ten Days publick Notice of the Time and Place of such Adjournment, by affixing, or causing the same to be affixed, at or upon all the Turnpikes erected by virtue of this Act; and that the said Trustees, at all their said Meetings, shall defray their own Charges and Expences.

Time and Place of Trustees meeting.

Trustees to defray their own Expences.

Proviso.

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

Provided

Provided also, That if after any such Adjournment as aforesaid, whether the same be made by the said Trustees, or by their Clerk, it shall be thought necessary, for the better Execution of this Act, that an earlier Day of Meeting shall be appointed, such Clerk, upon an Order in Writing signed by Nine or more of the said Trustees, naming the Time and Place of such Meeting, shall immediately, by publick Notice in Writing to be affixed at or on all the Gates or Turnpikes to be erected by virtue of this Act, appoint the said Trustees to meet at such Time and Place as shall be named in such written Order, Fourteen Days Notice at the least being given previous to such earlier Meeting so appointed as aforesaid.

If after Adjournment an earlier Meeting be appointed,

14 Days Notice to be given of such Meeting.

And be it further enacted, That no Trustee shall act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act.

Trustees not to act but at a publick Meeting.

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

Trustees not to accept of a Place of Profit under this Act.

And be it further enacted, That such of the Trustees, appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is, and are hereby authorized and impowered to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

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

And be it further enacted, That when and as often as any of the Trustees named or appointed in or by virtue of this Act shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees, in the Room of such Trustee or Trustees so dying, removing, or refusing to act: And Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks to the Trustees, by affixing the same, in Writing, at all the Turnpikes, which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election:

On Death, or Removal of Trustees, others to be chosen.

10 Days Notice of Election to be given.

And all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act, in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and are hereby required to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, across the said Road in Spetisbury Street, at or near a Place where the said Road is crossed by a Road leading to Crawford Bridge, in the Parish of Spetisbury aforesaid; and also a Side Gate or Gates across the said Road leading over Crawford Bridge aforesaid, together with a Toll-house or Houses to such Gate or Gates, or Turnpike or Turnpikes; and also One other Gate or Gates, Turnpike or Turnpikes, across the said Road at or near Sturminster Newton Bridge, in the Parish of Sturminster New Castle aforesaid, together with a Toll-house or Toll-houses to such Gate or Gates, Turnpike or Turnpikes; and also One other Gate or Gates, Turnpike or Turnpikes, across the said Road between Henstridge Ash and Temple Coombe aforesaid, together with a Toll-house or Toll-houses to such Gate or Gates, Turnpike or Turnpikes; and also One other Gate or Gates, Turnpike or Turnpikes, across the said Road at or within Half a Mile of Braddon otherwise Bratton Corner aforesaid, together with a Toll-house or Toll-houses to such Gate or Gates, Turnpike or Turnpikes; and shall demand and take, at each and every of the said Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis a Vis, Chair, or Hearse, drawn by Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, or other Beast drawing the same.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Horses, Mares, Geldings, Mules, Oxen, or other Beasts, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, Ox, or other Beast drawing the same.

For

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty: And the Money so to be raised and collected shall be, and is hereby vested in the said Trustees; and the same and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned: And it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage which shall be so drawn through such Gate or Gates, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same until such Tolls, with the reasonable Charges of distraining the same, shall be paid; and it shall and may be lawful to and for such Person and Persons, after the Space of Four Days next after such Distress taken, to sell the Cattle, Carriage, or Goods so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges of distraining and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold in 4 Days.

And be it further enacted, That the said Trustees, or any Fifteen or more of them, shall have Power, if they shall judge it necessary, by an Order to be made at any Meeting by virtue of this Act (of which Meeting at least Fourteen Days publick Notice shall be given) to erect or cause to be erected, One other Gate or Gates, Turnpike or Turnpikes, across any Part of the said Road lying between the said Turnpike or Turnpikes to be erected

Trustees may erect other Turnpikes and Toll-houses across any Part of the Road between *Crawford Bridge* and *Sturminster Newton Bridge Foot*;

erected by virtue of this Act at Crawford Bridge and Sturminster Newton Bridge Foot, together with a Toll-house to such other Gate or Gates, Turnpike or Turnpikes,

and take Tolls thereat.

and to demand and take at such other Gate or Gates, Turnpike or Turnpikes, such and the like Tolls and Duties as are by this Act made payable at any other Gate or Turnpike to be erected by virtue of this Act; which said Order, with respect to the Situation of such Gate or Gates, Turnpike or Turnpikes, and Toll-house as aforesaid, shall be final and conclusive to all Intents and Purposes whatsoever.

Persons paying Toll at any one Gate, to pass Toll-free the same Day thro' the next.

Provided always, That after the said last-mentioned Gate or Gates, Turnpike or Turnpikes, and Toll-houses, shall have been erected between Crawfurd Bridge and Sturminster Bridge Foot aforesaid, no Person or Persons having paid the Tolls or Duties hereby granted at any One Gate or Turnpike to be erected by virtue of this Act, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at the next Gate or Turnpike to be erected on the said Roads by virtue hereof; such Person or Persons producing a Note or Ticket denoting that the said Tolls or Duties have been so paid; which Notes or Tickets the Collector or Collectors of the said Tolls or Duties is or are hereby required to give gratis.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable, for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Carriage or Cattle Toll-free at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; which said Notes or Tickets the Collectors of the said Tolls are hereby likewise required to give gratis.

Trustees may erect Side-gates.

And be it further enacted, That, to prevent Persons from evading the Payment of the Tolls or Duties hereby granted, it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house

house or Toll-houses, on the Side or Sides of the said Roads, in, upon, or across, any Lane or Way leading out of the said Roads; and at the said Gate or Gates, Turnpike or Turnpikes, to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable at any Gate or Turnpike to be erected by virtue hereof, so as the same do not extend to a Double Charge, or subject any Person or Persons to the Payment of a larger Toll than is herein before appointed to be paid for afterwards passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat,

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

And be it further enacted, That the said several Gates or Turnpikes and Toll-houses erected by virtue of this Act, and the Rights and Properties to and of the same, and the Materials of which the same shall consist, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name or Names of any One or more of the said Trustees, or to prefer, and order and direct the preferring of Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall by virtue of this Act be erected, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Tolls or Duties to be collected by virtue of this Act, and the Money which shall be borrowed on the Credit thereof, shall be applied in the First Place in paying and discharging all the Costs and Expences of procuring and passing this Act; and the Remainder of the Monies so raised shall be applied in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and to and for no other Use or Purpose whatsoever.

Application of the Monies.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to Three Fourths of the Money borrowed on the Credit of the Tolls to be collected on the said Roads, to lessen the Tolls or Duties, for such Time as they shall think proper; and to raise the same again, so as

Trustees, with Consent of Creditors, may lessen the Tolls.

the same do not exceed the respective Rates herein before granted; and such Tolls or Duties so lessened, or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied.

Trustees may compound with Travellers.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, as often as they shall think fit, to compound with any Person or Persons (except Common Carriers) using to travel through any of the Turnpikes to be erected by virtue of this Act, with any Carriage or Cattle, and living within One Mile of any Gate or Turnpike to be erected by virtue of this Act, for any Sum of Money for and in lieu of the Payment of the Tolls or Duties hereby granted at such Gate only.

Exemptions from Tolls.

And be it further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes erected by virtue of this Act, with any Cattle or Carriage, which shall carry or draw any Quantity of Materials for repairing the said Roads, or any other Highway or Road; or for any Carriages carrying any Wood or Furze for Fuel, or Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Roads lead, or with or for any Ploughs, Harrows, or other Implements or Things whatsoever, that shall be used or employed in Husbandry, or stocking of Land (not being a Waggon or Cart) belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow belonging to any of the said Inhabitants; or for any Carriage carrying any Lime, Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring of Gardens or Land, in such Parishes or Places; or for any Coaches or other Carriages, 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 Dorset or Somerset, on the Days of such Election, or the Day before or Day after such Election; or for any Coaches or other Carriages, or Passengers on Horseback, residing in any of the Parishes or Places in which the said Roads do lie, passing to or from Church, or other Places of religious Worship, on Sundays; or for any Horses,

Horses, Mares, Geldings, or Asses, carrying any Grist to or from any Mill or Mills within the Manor of Sturminster Newton Castle aforesaid; or for any Post-horse or Carriage carrying the Mail or Packet; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to, or returning from, Pasture or Watering-places; or for the Horses of Soldiers who are upon their March, or Waggons or Carriages attending them; or for any Horses, Beasts, or Carriages, travelling with Vagrants sent with legal Passes.

Penalty of making illegal Claims.

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

Penalty on passing thro' private Passage, &c.

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

to avoid Payment of the Tolls.

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

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money, as they, or any Nine or more of them, shall think needful, not exceeding the Sum of Eight thousand Pounds: And the said Trustees, or any Nine or more of them, may and are hereby authorized and impowered, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls or Duties, or any Part or Parts thereof, to any Person or Persons who shall advance and lend the same, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so advanced, and the Interest thereof, as aforesaid; and which said Sums of Money so to be advanced (the Charges of procuring and passing this Act in manner aforesaid being first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use, Intent, or Purpose whatsoever: And that no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sum of Eight thousand Pounds, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all Lenders, and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall be, and are hereby declared to be, for their several and respective principal Sums, Creditors on the said Tolls in equal Degree one with another, and shall be deemed and taken to be Tenants in common of the said Tolls or Duties, as to their several and respective Shares and Interests therein.

And

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

Truſtees may advance Money on the Credit of the Tolls, and take Security.

And be it further enacted, That all and every Truſtee and Truſtees, and other Perſon and Perſons to whom any Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Tolls or Duties ſhall be made, by the ſaid Truſtees, or any Nine or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the ſaid Tolls or Duties, ſhall and may, and he, ſhe, and they, is and are hereby authorized and impowered to tranſfer or aſſign over ſuch Security or Securities, and all the Monies that ſhall be due thereon, to any Perſon or Perſons, by any Writing or Writings, or by any Indorſement or Indorſements in Writing, under his, her, or their, Hand or Hands; and ſuch Aſſignee or Aſſignees, Indorſee or Indorſees, may, in like manner, aſſign over again, and ſo toties quoties.

Aſſignments may be tranſferred.

Provided always, That nothing herein contained ſhall extend to charge or ſubject the ſaid Truſtees with or to the Payment of any Monies, by reaſon of their,

Truſtees not liable by reaſon of ſigning, &c.

or any of their signing and sealing the said Securities, or any or either of them.

Notice to be given of borrowing of Money.

And be it further enacted, That no Money shall be borrowed on the Credit of the said Tolls or Duties by the said Trustees after their First Meeting, unless Notice in Writing, under the Hand of the Clerk or Clerks to the said Trustees, shall be fixed upon all the Turnpikes then erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

No Toll to be taken till 2000*l.* shall have been subscribed.

Provided always, and be it further enacted, That no Gate or Turnpike shall be erected, or any Toll or Duty be demanded or taken by virtue of this Act in the said Roads, or any Part thereof, until the Sum of Two thousand Pounds shall have been subscribed or promised to be lent upon the Credit of the Tolls or Duties hereby granted; any Thing herein contained to the contrary notwithstanding.

Trustees to appoint Officers,

And be it further enacted, That the said Trustees, or any Nine or more of them, may and are hereby authorized and impowered, from time to time, to elect and appoint fit and proper Persons to be Collectors and Receivers of the Tolls or Duties by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as the said Trustees, or any Nine or more of them, shall think necessary or convenient in the Execution of this Act; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others, being fixed on all the Turnpikes then erected by virtue of this Act, at least Ten Days before such Election; and may, and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls or Duties aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Nine or more of them, shall seem reasonable.

and remove them, and appoint others,

and settle Salaries.

And

And be it further enacted, That all and every the Collectors or Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed as aforesaid, and all and every other Person and Persons who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he or they shall be thereunto required by the said Trustees, or any Seven or more of them, produce, render, and give up, to them the said Trustees, or any Seven or more of them, full, true, and fair, Accounts, in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and they shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Seven or more of them, shall direct or appoint: And that all, and every the said Officers and Persons, so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Seven or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the said Officers or Persons, so to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Seven or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or as they, or any Seven or more of them, shall direct or appoint; then, and in either of the Cases aforesaid, the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the

Officers to account upon Oath.

Officers refusing to account, may be sued;

or if Complaint be made,

the Names of the said Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order to recover the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice or Justices may, and is, and are, hereby authorized and required to summon the Officer or Officers, Person or Persons, so refusing or neglecting, to appear before him or them, at a Time and Place in such Summons to be mentioned; and upon his or their appearing or not appearing, the Service of such Summons being proved, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Seven or more of them, by virtue of this Act, might have done: And if, upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices, that any of the Monies which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons; such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices at the Time and Place by him or them appointed by such Summons; or, if appearing, shall refuse or neglect to deliver to the said Justice or Justices, such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid; or to produce or deliver up to the said Justice or Justices

Justices to enquire into the Default,

and levy the Balance by Distress and Sale;

Justices the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid, the said Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Monies which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale, or otherwise, as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Seven or more of them, for the same, and paid the Monies which shall be thereby stipulated to be paid to them; which said Compositions and Monies the said Trustees, or any Seven or more of them, are hereby authorized and impowered to make and receive.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

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

And be it further enacted, That no Person or Persons keeping any Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under this Act.

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

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons who shall, by the said Trustees, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, or Rubbish, or other

Materials proper for repairing of Roads, in, upon, out of, or from any River, Brook, Quarry, Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done: And if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, Rubbish, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such River, Brook, Quarry, Waste or Common Ground or Grounds; then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, Rubbish, or other Materials proper and sufficient for that Purpose, in, upon, or out of and from, the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads; such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue or Trees for the Ornament of any House; they the said Trustees, or Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, or carrying away, the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, or Rubbish, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Trustees or Surveyors, or other Persons, filling up the Pits and levelling the Ground from which such Materials shall be so taken, or causing the same to be done: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any One or more Justice

without paying for the same;

levelling the Pits, &c.

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

making Satisfaction to the Owners.

Justices to determine Differences.

or Justices of the Peace for the County or Place where the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, Chippings, Rubbish, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Five Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties, to every Intent or Purpose whatsoever.

Surveyors may make Causeways, &c.

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

making Satisfaction to the Owners.

Surveyors to remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Roads aforesaid, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimburied to the Surveyor;

said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case such Owners or Occupiers shall not upon Demand pay or reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County wherein the Matter in Dispute shall arise, from time to time to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be recovered and applied in Manner herein after mentioned.

to be levied by Distress and Sale.

Penalty on a Second Offence.

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

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying or which shall lie in, or leading or which shall lead into or out of the said Roads, or any Part thereof, shall not in a proper and sufficient Manner scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then, and in either of the said Cases, the said Surveyor or Surveyors may and is and are hereby authorized to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their, respective Place or Places of Abode; the same Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses,

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

neſſes, before any Juſtice of the Peace of the County or Place where ſuch Perſon or Perſons reſpectively ſhall live; ſhall and may, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſaid Roads, for the better Accommodation of Coaches, Carriages, and Paſſengers; that then the Truſtees, or any Seven or more of them, ſhall have full Power and Authority, from time to time, to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the ſaid Roads, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering, any Part of ſuch Roads, and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, for turning, widening, altering, or mending the ſame; and ſuch Perſons or Bodies Politick, Corporate, Collegiate, or Feoffees, or others, may be willing to treat and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame, by reaſon of Infancy or other Diſability; be it further enacted, That it ſhall and may be lawful to and for all Perſons, Bodies Politick, Cor-

Bodies Politick, &c. impowered to treat.

porate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Owners neglecting to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or any other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Ten Days after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors,

Jury to settle the Recompence.

or

or other Person or Persons interested for or upon account of the taking of such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Roads into the same: And in order thereto the said Trustees, or any Seven or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all such other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, and Determination, so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whomsoever: And all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Trustees may issue their Warrant to the Sheriff for impanelling a Jury.

to impanel, summon, and return, an indifferent Jury of Twenty four Persons or more to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed: And the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury; or being so sworn, and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned, is hereby directed to be levied, so as no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied.

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

Fine not to exceed 10 *l.*

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

And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue

of

of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Person or Persons, and after Ten Days Notice thereof given to such Person or Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction; it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into and made a Part of the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road, so widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads: And the Sale or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any

Lands, &c. purchased to be laid into the Roads.

and deemed a publick Highway.

Seven or more of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner thereof shall consent thereto.

Owners of Commons, &c. may set up Gates for the Purposes herein mentioned.

And be it further enacted, That it shall and may be lawful to and for the Owners, Proprietors, and Occupiers of all and every or any of the Lands which lie in Common or in common Fields through which any of the Roads directed to be repaired by virtue of this Act do lead, to erect and set up, or cause to be erected and set up, any Gate or Gates on such Part or Parts of the said Roads leading through such Commons or common Fields, at or near the Place or Places where such Gate or Gates hath or have been, or used or accustomed to be or stand, for preventing the Cattle of One Parish doing or committing Damage on any other adjacent Parish, and for preventing any commonable Cattle doing Damage in any common Corn Fields adjoining or lying contiguous thereto; any thing in this Act contained to the contrary thereof notwithstanding.

Lands, &c. chargeable to Repairs, to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, and such Bridges, in the same Manner as they or any of them have or hath heretofore usually done, or ought to do: And that the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired do lead, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Works; and shall and are hereby required to do and perform such and so many Days Work in such

Inhabitants to do Statute-work.

Parts

Parts of the said Roads by this Act to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, and Hereditaments, and at such Times, and in such Manner, as the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall direct or appoint; and that every such Inhabitant of and Occupier of Lands, Tenements, and Hereditaments in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, or occupy Lands, Tenements, and Hereditaments, as Persons keeping Teams are obliged by Law and ought to do.

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

And, to the End that the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments in all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the Towns, Parishes, Hamlets, and Places, where or in or for which any such Surveyors usually have been or ought to be chosen, shall, and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March yearly, or oftener if thereunto required by the said Trustees, or any Seven or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes then erected by virtue of this Act to deliver in to the said Trustees upon Oath, if thereunto required by the said Trustees, or any Seven or more of them (which Oath the said Trustees, or any One or more of them, are hereby impowered to administer) true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of, and Persons occupying Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, that are liable to do their Statute Duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

not or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver Lists.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Ten Pounds: And if any or either of the Inhabitants of, or Occupiers of Lands, Tenements, and Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do and perform the same in and upon the said Roads, at such Times and Places, and in such Manner, as they shall by the said Trustees, or any Seven or more of them, or by their Surveyor or Surveyors, be directed or appointed to do, such Inhabitants, and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant, Occupier, and Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team, for every Day's Work the Sum of Fifteen Shillings; and every other Inhabitant or Person not keeping, or by virtue of this Act not deemed to keep, a Team, for every Day's Work the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons; and he, she, or they, or the respective Person or Persons on whose Behalf he, she, or they, shall come to work on the said Roads, shall, in that case, be subject and liable to the respective Forfeitures and Payments before mentioned, as if he, she, or they, had neglected to come, or such Team had not been sent to work on the said Roads.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Trustees may compound with Parishes, &c.

Provided always, and be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, who are to repair by reason of their Tenure or otherwise, and also with the several Inhabitants of, and Occupiers of Lands, Tene-

ments, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lead, for the Repairs aforesaid; and for the several Days Statute-work or other Work to be by him, her, or them, respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Seven or more of them, and such Inhabitants or Occupiers respectively, shall agree upon; which said Money shall be paid to the said Trustees, or any Seven or more of them, or to their Appointment, and shall be laid out in repairing the said Roads.

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

Provided also, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the next Quarter Sessions of the Peace after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors to the said Trustees as aforesaid; which Determination, and Order, or Judgement, of the said Justices in their said Sessions, shall be final and conclusive to all Parties interested therein.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads, to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully and designedly break or pull down, dig up, injure, or destroy, any or either of the said Stones or Posts which shall be so fixed or set up, or erase, obliterate,

Penalty on defacing Mile-stones, &c.

or deface any of the Inscriptions which shall be made thereon, or cause or procure the same to be done; every such Person so offending shall forfeit and pay the Sum of Forty Shillings, together with all Costs and Charges in and about recovering the same for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety thereof shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead: And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid; And if no Goods, Chattles, or Effects, of the Offender or Offenders, who shall incur the said Penalties and Forfeitures can be found sufficient to answer the same, and the Charges of such Distress and Sale (if any such shall be taken and made) then and in such Case any Justice of the Peace may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Person or Persons to be committed to the common Gaol of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding Six Months, nor less than Three Months, or until such Penalty and Forfeiture by him, her, or them incurred, and the reasonable Charges of the said Distress and Sale (if any such shall be made) shall be fully satisfied and paid.

Penalties and Forfeitures how to be recovered and applied.

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

Forfeitures

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

Overplus Money to be returned to the Owner.

Provided always, and be it further enacted, That the Overplus of the Money which shall be levied by such Distress and Sale as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the several reasonable Charges of making the same, shall, if demanded, be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold: And if no Goods, Chattles, and Effects, of the Person or Persons who shall incur the said Penalties and Forfeitures can be found, sufficient to answer the same, and the Charges of such Distress and Sale (if any such shall be taken and made) then and in such Case any Justice of the Peace, may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding One Month for the First Offence, or until such Penalties or Forfeitures, and the Charges of Distress and Sale (if any such there be) shall be paid; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Two Months, not less than One Month, or until such Penalties and Forfeitures by him, her, or them, incurred, and the reasonable Charges of the said Distress and Sale (if any such shall be made) shall be fully satisfied and paid.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace for the

County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, or which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement; and the, or they, causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Information such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall proceed in, and hear, and determine, the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

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

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

nor removeable by *Certiorari*, until Security be given to prosecute.

Proceedings to be entered in Books.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction,

vision, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers and Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, which shall be made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order made to be revoked, unless 15 Trustees consent thereto.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Fifteen Trustees shall be then present and consent thereto.

Commencement and Continuance of the Act.

And be it further enacted, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and granted, shall commence and have Continuance from and after the First Day of June, One thousand seven hundred and sixty five, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done by virtue or in pursuance of this Act, or in relation to any of the Matters herein contained, such Actions, and Suits, and every of them, shall be commenced within Six Months after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things shall be respectively committed or done, and not in any other County or Place; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall

General Issue.

be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein. And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.

LONDON: