Anno quinto

# Georgii III. Regis.

## An Act for repairing and widening the Road from the *Great Bridge* in the Borough of *Warwick*, through *Southam* and *Daventry*, to the Town of *Northampton*.



Whereas the Road leading from the Great Bridge in the Borough of Warwick, to and through Southam, in the County of Warwick, and from thence to and through Daventry, in the County of Northampton, to the Town of Northampton, is in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened by the present Methods provided by Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable Andrew Archer Esquire, Henry Archer, Robert Wadcock Avery, George Arnold, Claudius

Preamble.

Trustees Names.

Claudius Amyand, Lumley Arnold, Robert Andrews, John Andrews, Eſquires; the Reverend Samuel Adams, the Reverend James Affrick, the Reverend Thomas Andrews, Clerks; Richard Adams, William Adams, Gentlemen; Thomas Atkins, the Right Honourable Lord Beauchamp, Sir Walter Wagſtaff Bagot, Sir Theophilus Biddulph, Baronets; William Bromley, William Bagot, Egerton Bagot, Paul Baine, John Bird, Robert Bird, John Bird junior, Eliab Breton, Robert Brown, Thomas Brigham, Joſeph Bliſſett, Eſquires; the Reverend Mr. Bean Clerk, Mr. Thomas Birch Surgeon, Thomas Banks, John Bradford, John Beardſley, Thomas Bird, George Butter, Caleb Barnett, Thomas Baſeley, Job Baſeley, Gentlemen; the Honourable Henry Seymour Conway, William Craven, Edward Croft, Joſeph Clark, Stanes Chamberlayne, Eſquires; the Reverend John Cole, the Reverend John Clements, Clerks; Samuel Cormouls, George Cattle, Joſeph Cotton, Abraham Claſſon, Edward Clifford, Thomas Collins, William Cornbill, Gentlemen; the Right Honourable the Lord Digby, in the Kingdom of Ireland; John Dews, John Devall, Eſquires; the Reverend Joſeph Davy, William Daniel, Clerks; John Dodd, John Dennett, William Daniel, Gentlemen; George Eborall, Joſeph Eborall, Gentlemen; the Right Honourable William Finch, the Honourable Edward Finch, Thomas Fiſher, Eſquires; the Reverend Langton Freeman Clerk, Thomas Fiſher, John Fell, Thomas Freeman, Joſeph Freeman, Samuel Freeman, Gentlemen; the Right Honourable George Greville, commonly called Lord Greville; the Honourable Mr. Greville, Sir Henry Gough Baronet, William Grove, Samuel Greatheed, Arthur Gregory, Thomas Garrett, William Goodwin, William Gibbs, Edward Gibbs, Thomas Gillman, Eſquires; the Reverend William Greenwood D. D. the Reverend William Green Clerk, Robert Goode, Bernard Gery, John Garland, John Godfrey, Thomas Greenway, Gentlemen; Sir Liſter Holt Baronet, the Honourable Robert Harley, John Hoo, James Hewitt Serjeant at Law, William Holbech, Hugh Holbech, Barnabas Horſeman, Benjamin Hamp, Eſquires; Doctor James Haddow, Doctor John Holyoake, the Reverend William Hudsford, the Revcrend Henry Homer, Luke Fielder Hammond, Clerks; William Hiorn, John Hands, John Hobbins, Henry Bagſhaw Harriſon, Robert Hindes, Samuel Hindes, Henry Harper, Hawkes, Gentlemen; Sir Edmund Iſham Baronet, the Reverend Mr. Jago, the Reverend Henry Jephcott, the Reverend Samuel Jemſon, Clerks; Lucy Knightley, the Reverend

verend Knightley, the Reverend Kettle, Clerks; Sir Robert Ladbroke Knight, George Lucy, John Ludford, Esquires; John Lloyd D. D. Doctor Lander, the Reverend Peter Layng Clerk, Richard Lyndon, John Ledbrook, Gentlemen; Sir Charles Mordaunt Baronet, John Mordaunt, Sanderson Miller, William Moody, Thomas Mortiboys, Esquires; the Reverend Charles Mordaunt, the Reverend John Mills, the Reverend Robert Mills, William Moody junior, William Meads, Thomas Mann, John Mann, Daniel Mander, Henry Murcott, John Mitchell, Margetts, Gentlemen; Sir Roger Newdigate Baronet, James Newsham Esquire, the Reverend Stephen Niblett D. D. the Reverend Thomas Nelson, the Reverend Stephen Nason, Clerks; John Newcomb, Thomas Osborne, Gentlemen; Sir Henry John Parker Baronet, John Parker, Gery Packwood, William Parker, John Pathericke, Watson Powell, Benjamin Palmer, William Palmer, John Parkhurst, Esquires; the Reverend Owen Phillips, the Reverend John Preston, Clerks; John Parkes, Philip Perkins, John Parry, William Price Pear, Gentlemen; William Rose, Thomas Roe, William Roe, James Ridley, Gentlemen; Sir Charles Shuckburgh, Sir Francis Skipworth, Sir Thomas Samwell, Baronets; the Honourable George Shirley, Robert Sheldon, William Sheldon, William Standley, Captain John Shuckburgh, Richard Shuckburgh, William Stanton, Edward Sawbridge, Esquires; the Reverend Samuel Seagrave, the Reverend John Sherwood, the Reverend Richard Swan, Clerks; George Salmon, John Shaw, John Spicer, Gentlemen; John Harvey Thursby, Edward Townsend, Thomas Thornton, Thomas Lee Thornton, Esquires; the Reverend Trotman, the Reverend Talbot, the Reverend Taylor, the Reverend Tunins; Thomas Townsend, Richard Taylor, George Thompson, Ashburnham Toll, Isaac Twycross, William Twycross, William Torrington, William Taylor, Josiah Twamley, Gentlemen; the Reverend Viner, Henry Venour, John Venour, Gentlemen; Sir William Wheeler Baronet, Edward Willes Esquire, Lord Chief Baron of his Majesty's Court of Exchequer in Ireland; James West, Mathew Wise, Henry Wise, Henry Wise junior, Mathew Wise junior, Christopher Wrenn, Robert Welch, Richard Willcox, William Welch, Gregory Wade, James Wilkinson, Francis Wheler, Captain Francis Wheler, Esquires; the Reverend Whatton, the Reverend While, the Reverend John Welchman, the Reverend Benjamin Warren,

Warren, the Reverend Charles Wheler, the Reverend Thomas Williams, Clerks; Mr. George Weale Surgeon, William Wilson, Richard Wright, Thomas Ward, Thomas Watson, Butler Wiggin, James Warren, Charles Watkins, George Watson, Walter Watson, Stephen Watson, Thomas Watchorne, William Watchorne, Gentlemen; Francis Zouch, John Zouch, Goodwin Zouch, Gentlemen; the Mayor and Aldermen of the Borough of Warwick for the time being; the Mayor and Aldermen of the Town of Northampton for the time being, and the Mayor and Aldermen of Stratford upon Avon, in the County of Warwick, for the time being; shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

Provided always, 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 Seisin, Possession, and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or possessed of a Personal Estate to the Value of One thousand five hundred Pounds; or shall be Heir Apparent of some Person having such Estate 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 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 and 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, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Road, and also upon the Side or Sides thereof, and cross any Lane or Way near to or leading

leading into the same; and also a Toll-house or Toll-houses at or near to each Gate or Turnpike; and shall demand, receive and take, the Tolls following, before any Horse or Carriage whatsoever shall be permitted to pass through the same; that is to say, and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Hearse, Caravan or Litter drawn by Six Horses, Mares, Geldings or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of Nine Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or more Horses, Mares, Geldings, Oxen, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, One Shilling; and drawn by Two Horses, Mares, Geldings, Oxen, or other Beasts of Draught, Six Pence; and drawn by One Horse, Mare, Gelding, Ox, or other Beast of Draught, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, loaden or unloaden, and not drawing, One Penny.

For every Drove of Oxen, 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 Sums of Money shall be demanded and taken in the Name of or as a Toll; 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, and disposed of, and may be assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned: 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, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods, or any Carriage, upon which such Tolls are by this Act imposed, or any other of

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

of the Goods and Chattles of any Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the House or Houses, Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of distraining, keeping, and selling, shall be deducted and paid.

Distress may be sold after 4 Days.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Cattle and Carriage, through all the Gates or Turnpikes to be erected by virtue of this Act, upon any Part of the Road between the said Borough of Warwick and Southam; not more than Twice between Southam and Daventry; not more than Once between Daventry and the said Town of Northampton; but that all and every Person and Persons, having paid Toll as aforesaid, upon either of the said respective Parts of the said Road, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriage through the Gate or Turnpike at which such Toll was paid, upon producing a Note or Ticket 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; and also through all other Gates or Turnpikes, erected by virtue of this Act, upon, across, or on the Side of, such respective Part of the said Road where the said Toll was paid as aforesaid.

Tolls to be paid but Once a Day between *Warwick* and *Southam*;

Twice between *Southam* and *Daventry*; and but Once between *Daventry* and *Northampton*.

And be it further enacted by the Authority aforesaid, That out of the First Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge the Charges and Expences of procuring and passing this Act; and the Remainder of the Money so raised, shall be applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Road, and defraying the necessary Costs, Charges and Expences attending the same, or the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall, from time to time, order, direct, and appoint.

Charges of passing this Act to be first paid.

Provided

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected by virtue of this Act, until the Sum of Two thousand Pounds has been subscribed, and secured to be advanced, upon the Credit of this Act, in such Manner as the said Trustees, or any Nine or more of them, shall direct and appoint. No Gate to be erected till 2000*l.* has been subscribed.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall authorise the said Trustees, or any of them, to erect any Gate or Turnpike in the Town of Lemington Prior, or other Side-gate, in such Manner as may interrupt any Person or Persons with their Cattle or Carriages crossing the Road at Lemington in their Communication with the Town of Kenelworth. No Gate to be erected to interrupt the Communication between *Lemington* and *Kenelworth*.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this Act, and the Right and Property to and of the Materials provided for building and repairing the same, and to and of all Materials which shall be actually got or collected for repairing the said Road, 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 them, or their Treasurer or Treasurers, Clerk or Clerks; or to prefer, and order and direct the preferring of, any Bill or Bills of Indictment, against any Person or Persons who shall keep Possession of any Turnpike or Toll-house, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons to quit the same; or who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall, by virtue of this Act, be erected or provided, 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 it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from time to time, by Writing under their Hands and Seals, to let or farm the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of Trustees may lease, &c. the Tolls.

the Term hereby granted, not exceeding Three Years at any One Letting, upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for the same; payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Nine or more of them, shall think fit.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Beast, or Carriage, go or pass through any Ground, Parcel of Land, or other Place, 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 Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, 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, Beast, or Carriage, to go or pass through the same Ground, Land, or Hereditaments; 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, or other Cattle, from any Carriage, whereby, or by Means whereof, the Payment of any or either of the said Tolls shall be evaded or lessened; that then, and in either of the aforesaid Cases, every Person so offending, being convicted, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law. And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods, belonging to, or in the Possession, or under the Care of, any Person or Persons so offending in the Premisses; and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may, and is hereby required to examine the Nature of the Offence or Offences so complained of; and, by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of

to avoid paying the Tolls.

One

One or more. Witness or Witnesses, if the said Justices shall see Cause, to convict the Party or Parties complained of, if he, they or they shall or shall not appear before him, in the respective Penalties aforesaid; and for Nonpayment thereof, and of the Tolls that shall be due, though the same shall not be demanded by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing, keeping, and selling the same, and of such Conviction; and after Payment thereof, to render the Overplus of the Money arising by such Seizure and Sale (if any there shall be and be demanded) to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession, they respectively was or were when so seized as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are herein after mentioned and provided for the levying and recovering of the Penalties and Forfeitures imposed by this Act.

Penalty on Persons refusing to pay Tolls, or acting in a private Capacity, &c.

Exemptions from Tolls.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for the going, passing, returning, or repassing, of any Waggon, Wain, Cart, Dray, or other Carriage; or of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials for the repairing of any Road or Highway; or in the Carriage of any Dung, Mould, Soil, or Compost, of any Kind, for the manuring of any Garden, or other Land or Ground; or that shall be used or employed in the plowing, sowing, tilling, cultivating, or stocking of any Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, Gors, or dead Hedgewood, not sold or disposed of, but to be laid up in the Houses, Out-houses, Yards, or Backsides, of the Owner or Owners thereof; or for the going, passing, returning, or repassing, of any Plough, Harrow, Dray, or other Implements of Husbandry; or of any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using them in Husbandry, or any thing whatsoever that shall be used or employed in Husbandry, or manuring or stocking of Land; or for the going, passing, returning, or repassing, of any Horse,

Mare,

Mare, Gelding, Or, Mule, Ass, or other Beast or Cattle, to or from Water or Pasture; or in order to be shoed, farried, or cured of any Lameness, Illness, or Distemper; or for the going, passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass, that is or shall be used only to ride on by the Owner or Driver of any Waggon or other Carriage, the same going or travelling along with such Waggon or Carriage; or for the going, passing, returning, or repassing, of the Horses of any Officers or Soldiers on their March; or of any Waggon, Cart, or other Carriage, or of any Horse, Mare, or other Beast, drawing the same, in the Carriage of the Arms or Baggage of such Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horse or other Beast, drawing or not drawing the same, that shall be used or employed in the passing of Vagrants travelling with lawful Passes; or for any Post Horse or Horses carrying or drawing the Mail; or for the passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass, or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Caravan, or any other Carriage, or of any Horse, Mare, or Gelding, drawing the same, that shall be going to, or returning from, any Election of any Knight or Knights of the Shire, to serve in Parliament for the Counties of Warwick and Northampton, on the Days of such Election or Elections; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Forty Shillings.

Penalty of making illegal Claims.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees, or any Five or more of them, shall meet at the House of Mortice Timms, known by the Name or Sign of the Gross Keys, in the said Town of Warwick, on the First Tuesday in June, One thousand seven hundred and sixty five, and proceed to the Execution of this Act; and shall then adjourn themselves to, and meet at some Place in the Town of Southam, for the further Execution of this Act; and shall and may then adjourn themselves to, and meet at some Place in the Town of Daventry, for the further Execution of this Act; and shall and may then adjourn themselves to, and meet at some Place in the Town of Northampton, and proceed to the further Execution of this Act; and shall and may then adjourn themselves from time to time, and meet alternately at Warwick, Southam, Daventry, and Northampton, for putting this Act in Execution;

and

and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves; the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing to be affixed upon all the Turnpikes which shall be erected upon or cross the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Day Three Weeks after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences: And that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; And that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine of such Trustees shall be present; nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him affixed upon all the Gates or Turnpikes then standing upon the said Road, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

No Order to be repealed unless Nine Trustees are present.

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

Trustees in the Commission of the Peace may act as Justices; except where interested.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen, that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the Trustees appointed to put this Act in Execution, at any Time or Times, the Space of Ten Days after such Refusal, Neglect, or Prevention,

Two Trustees sufficient to adjourn Meetings.

Clerk neglecting to give Notice of such Meetings, Trustees may do it.

tion, of the Clerk or Clerks, having first intervened, to appoint such Trustees to meet at some House in or near the said Road, upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act; and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving and remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Fourteen 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.

Notice of such Election to be given.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered, at any Meeting to be held in pursuance of this Act, to borrow and take up at Interest, any Sum or Sums of Money, as they, or any Nine or more of them, shall think needful, upon the Credit of the Tolls payable by virtue of this Act; and to assign and convey over the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed shall be applied in such Manner, and for such Purposes only, as the Tolls so assigned are hereby directed to be applied; and that Copies of all such Assignments and Conveyances shall be entered at Length, in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after the First Meeting of Trustees,

Assignments to be entered in a Book.

stees," unless Notice be for that Purpose affixed in Writing upon all the Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; all which Assignments and Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Transfer, specifying the Dates thereof, and the Names, Additions, and Places of Abode, of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Clerks shall be paid Two Shillings and Six Pence, and no more, by the Person or Persons to whom such respective Assignments or Transfers shall be made; which said Book or Books shall and may be inspected, at all seasonable Times, by any Person or Persons whomsoever; and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign 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 thereon due.

Assignments may be transferred.

Entries of all Assignments to be made.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on this Act, and in equal Degree one with another.

All Creditors to be deemed equal in Degrees.

Provided

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

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

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, from time to time, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and Surveyor or Surveyors of the said Road, and such other Officers for the due Execution of this Act, as they the said Trustees, or any Five or more of them, shall think proper;

and remove them, and appoint others,

and from time to time to remove such Officer or Officers; and on the Death or Deaths, Removal or Removals of such Officers, to appoint others in their Steads; but Fourteen Days Notice shall be given of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees, upon all the said Turnpikes;

and settle Salaries.

and may and are hereby authorized and impowered, by and out of the Monies which shall arise by virtue of this Act, to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in or about the repairing, widening, or altering any of the said Roads, or any Part thereof, or otherwise in putting this Act in Execution, as they the said Trustees, or any Five or more of them, shall think reasonable.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purpose of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet;

Victuallers not to have a Place of Profit.

and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, from time to time, when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said

said Trustees, or any Five or more of them, full, true, and fair Accounts in Writing of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint: And that all and every the said Officers and Persons so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the Officers or Persons so accounting, or to account, as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items and Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint, 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 or their Custody or Power relating to the Execution of this Act; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Names of such 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 for the Recovery of 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 of the

Officers refusing to account,

may be sued.

Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live and reside, such Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him; and, upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the 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 (and which said Oath or Oaths such Justice is hereby impowered to administer) it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, 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 levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, upon Notice thereof in Writing delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively; or if appearing, shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or 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 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 may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize, until he

Balance to be levied by Distress and Sale.

For want of Distress Offender to be committed,

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 the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall, in those Respects, have been made; or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Money which shall be thereby stipulated to them to be paid; which said Compositions of the Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive; or until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

till Payment or Composition made.

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

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of Roads in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Road, without paying any thing for the same; they such Surveyors or other Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste or Common Ground or Grounds then, and in such Case, the Surveyor or Surveyors, or

Surveyors may dig Gravel, &c.

without paying for the same; levelling the Pits, &c.

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

other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found (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 Walk or Walks of Trees, or Avenue to any House) 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, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owner or Occupier, or any or either of them, concerning the said Damages, the Justices of the Peace of the County or Place wherein such Difference shall arise, at their General Quarter Sessions of the Peace, to be held in and for the same County or Place, next after such Differences shall arise, and on Six clear 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, shall hear, settle, and determine the Matters of the said Damages; whose Judgement or Order therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, such Surveyor or Surveyors, having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen,

Surveyors to remove Annoyances, &c.

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, in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, and to cut down, lop, or top, any Trees, Branches, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take, carry away, and sell, the Wood so cut; and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove, such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Five of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after the 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 Twenty Shillings.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains, in and upon the said Road; and also through any Grounds or Fields lying contiguous thereto; and also to make a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Parts of the said Road (such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nur-

Surveyors may make Causeways, &c.

and make a temporary Road;

ery for Trees) to be made use of as a publick High-way, whilst the old Road is repairing or widening; and also by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground.

making Satisfaction to the Owners of the Grounds.

Penalty of obstructing Officers in their Duty, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them or either of them, or by the said Trustees, or any Five or more of them, for those Purposes employed, in the cutting, digging, gathering, or carrying away, any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, for the altering, widening, or repairing, the said Road by this Act intended to be repaired, or in topping, lopping, cutting, or carrying, any Tree, Top, Lop, or Over-hangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, or altering, the said Road, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to extend, enlarge, widen, or make any new Road or Roads contiguous or adjacent to the said Road, or any Part or Parts of the said Road, hereby directed to be repaired, or either of them; that then it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of any Lands or Hereditaments lying on either Side of the said Road or Roads to be extended, enlarged, or widened, or through which any new Road or Roads, to be made contiguous or adjacent to any Part or Parts of the Road hereby directed to be repaired,

repaired, shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments, as they the said Trustees, or any Nine or more of them, shall think proper and necessary for the extending, enlarging, widening, or making, any new Road or Roads, or any Part or Parts thereof; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes-covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees by this Act appointed, or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein; and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever: And if the said Trustees, and Owner or Owners, cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased; then, and in such Case, the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered, Six clear Days before any General or Quarter Sessions of the Peace to be holden for the respective Counties where such Lands shall lie, to give, or cause to be given, to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at their last Place of Abode respectively, with some or One of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Road, and the Places where the same shall lie; and purporting, that the Value and Values of such Lands or Hereditaments respectively shall be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall and are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impanelled and returned by the Sheriff of the County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths, to assess the Value

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

Persons neglecting to treat, &c.

Jury to settle the Recompence.

of the Lands or Hereditaments comprized in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Oath the said Justices are hereby impowered and required to administer to the said Juries; and to which said Juries they the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given, concerning the Nature and Quantity and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein, and thereby found, and directed to be given for the said Lands or Hereditaments, to the respective Owner or Owners thereof; or after the Execution of any Conveyance of the said Lands or Hereditaments to the said Trustees, or any Nine or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence, the said Trustees, or any Nine or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected, by virtue of this Act; the said Lands and Hereditaments, and every Part thereof, and the Fee Simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Heirs, without any Fine or Recovery; notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth the said Trustees, or any Nine or more of them, or any Person or Persons by them, or any Nine or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized and impowered to take and lay the said Lands and Hereditaments, and every Part thereof, into the said respective Road or Roads; and then, and from

Jurors may be challenged.

Verdict of the Jury to be final.

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

from thenceforth ever afterwards, such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same are and is hereby made and declared to be a Part or Parts of such Road or Roads, and shall, for ever hereafter, be repaired and kept in Repair as Part of such Roads respectively; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any new Road or Roads shall be purchased contiguous and adjacent to any Part of the Road hereby directed to be repaired, and such new Road shall be made and completed, the Lands and Grounds comprized in and through which the said old Road did lead, is hereby vested in the said Trustees; and shall or may by them, or any Nine or more of them, be sold or disposed of for the best Price that may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the Road hereby directed to be repaired; and the Conveyances to be made of such Lands and Grounds, comprized in and through which the old Road did lead, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the County in which such Road shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

and esteemed a publick Highway.

Old Road may be sold.

Provided always, and be it further enacted by the Authority aforesaid, That in altering, widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Buildings, &c. not to be injured.

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

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

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several

Inhabitants to do Statute-work.

Parishes, Hamlets, and Places, through which the Roads by this Act intended to be repaired, or either of them, do or doth lead, and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do Three Days of such Statute-work or Duty in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, and at such Times (the same not being in Hay-time or Harvest) and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act appointed, or either of them, shall for those Purposes direct or appoint; and that every Inhabitant of such Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team; and shall, with their Teams and Servants, or otherwise, as the Case shall be, do Eight hours Work in every Day: And the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively; and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duties to the Highways: And if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do their respective Statute-work or Duty on the said Roads, at such Times and Places, and in such Manner, as, according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work; every such Per-

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

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

Penalty on Persons not performing Statute-work.

son, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver in such Lists.

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

Trustees may compound with Parishes, &c.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to give the said Trustees, or any of them, any Power or Authority to ask for, demand, compel, or require, all or any of the present or future Inhabitants of the Town and Parish of Daventry, and Hamlet of Drayton, and the Parishes of Newnham, Dodford, and Weedon Beck, or either of them, or Persons occupying Estates in the same Town, Parishes, and Hamlet, or any of them, for or in respect of such Estates, to do or perform, in, upon, or towards the repairing the said Road by this Act directed to be amended and repaired as aforesaid; all or any of their present Three Days Duty or Statute-work, which by the several Acts of Parliament, or some or One of them, made for repairing the Highways from Old Stratford in the said County of Northampton to Dunchurch in the said County of Warwick, is required and enacted to be by them done and performed, towards repairing the Highways, from Old Stratford to Dunchurch aforesaid, or in any Manner to prejudice, lessen,

Reservation of Rights.

leſſen, or defeat, ſuch Three Days Duty or Statute-work to be done in, upon, or towards, repairing the ſaid laſt mentioned Highways.

No Gate to be erected between *Warwick* and *Northampton*, &c.

Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to give the ſaid Truſtees, or any of them, any Power and Authority to erect or ſet up any Turnpike or Toll-gate, Turnpikes or Toll-gates, for taking or receiving Monies, to be applied in repairing the ſaid Road from Warwick to Northampton aforeſaid, or for any other Purpoſes of this Act, in, upon, acroſs, or on the Sides of, the ſaid Highways, from Old Stratford in the County of Northampton, to Dunchurch in the County of Warwick; or in, upon, or acroſs, or on the Sides of, any of the Roads leading from the Dun Cow in the Town of Dunchurch, to the Town of Hillmorton, in the County of Warwick; and from thence to Saint James's Church, in the Pariſh of Duſton, in the County of Northampton, directed to be repaired by ſeveral Acts of Parliament paſſed in the Twelfth, Sixteenth, and Thirty third Years of the Reign of his late Majeſty.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered to compound, by the Year or otherwiſe, with all or any of the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, or Places, near, through, or into which, any of the Roads, by this Act directed to be widened and repaired, lead, for themſelves, Servants, and Carriages, or Cattle, not travelling for Hire, paſſing through all or any of the Turnpikes erected by virtue of this Act; which Compoſition-money ſhall be inſtantly paid to the ſaid Truſtees, or any Seven or more of them, or to their Appointment, and ſhall be applied in the ſame Manner as the Tolls, by this Act granted, are directed to be applied.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered and required, to cauſe Stones or Poſts to be ſet up on the Sides of the ſaid Road, at the Space of One Mile diſtant from each other, with Inſcriptions thereon, denoting the Diſtance of each of the ſaid Stones or Poſts from ſome Town or Place, as they ſhall think fit; and alſo to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon, as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if any Perſon or Perſons ſhall

wilfully

wilfully break, or pull down, dig up, or damage, the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety, after replacing or repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed, are hereby directed to be applied. Penalty on defacing Mile-stones.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed, shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required, to issue his Warrant or Warrants under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then, upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Cases required to issue, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear, and answer the same before such Justice; such Summons being so left Four Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required, to enquired into the Causes and Matters of the said Complaint or Complaints in a summary Way, and, either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offense or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Nonpayment thereof, though the same shall not be demanded, shall issue a Penalties and Forfeitures how to be recovered and applied.

Warrant or Warrants under his Hand and Seal, for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chattles of such Offender or Defenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress or Distresses, for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal, for the apprehending such Offender or Offenders, and for committing him or them to the Common Gaol or House of Correction of the County or Place where he, she, or they, shall be so apprehended; there to remain without Bail or Mainprize, until the said Penalties, and Forfeitures, and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them; and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive; and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties, or Forfeitures, or Charges.

Application of the Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than, and except such, or such Parts thereof, as are by this Act otherwise directed to be paid, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Road, in respect whereof such Penalty or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal against the same to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the County where the Matter shall arise, after the Act, Order, Conviction, Judgement, or Determination, shall, by virtue hereof, be done or made, upon Ten Days Notice thereof in Writing, if so many before the said next Sessions, being given by such Person in Writing of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Road in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made; and, within Four Days after such

Ten Days Notice of Appeal to be given.

Notice, entering into a Recognizance before same Justice of the Peace for the said County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices at their said Sessions may, and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals, as they shall judge proper; and which said Judgements of the Justices at their Sessions shall be finally binding to all Parties, and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattles, and by Commitment of the Offender, by a Warrant or Warrnts under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures, by this Act imposed, are herein before directed to be levied and recovered.

Recognizance to be entered into.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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 in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any 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 happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages, which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass on the Case, at the Election of the Party or Parties so aggrieved.

Distress not to be deem'd unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Provided nevertheless, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties distraining before such Action brought; nor if such Tender of Amends

Plaintiff not to recover, if Tender of Amends hath been made.

shall

shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement, as in Cases of Nonsuit, with full Costs, to be recovered in the same Manner, as any Defendant or Defendants may recover in any Case by Law.

Proceedings not to be quashed for want of Form;

Provided always, and be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had, by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only; or shall be removed by Certiorari, or otherwise, into any Court of Record at Westminster.

nor removable by *Certiorari*.

Prosecutors and Informers to be indemnified.

And be it enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any of them, in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges, as such Person or Persons shall be really and bona fide out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities, and Powers hereby made payable and given, shall commence and have Continuance from the First Tuesday in 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.

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

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings of the Trustees, to be done, made, or had by virtue of this Act, shall be fairly entered in a Book or Books, to be by the Clerk or Clerks to the said Trustees kept for those Purposes;

Purposes; and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Clerk or Clerks, and being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever. Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, 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 any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons for any Thing done or to be done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any Thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County where the Cause of such Action shall arise; and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act, and the Special Matter, in Evidence, and that the same was done by virtue hereof: And if on the Trial of such Action it shall appear, that the same was brought before the Expiration of Twenty Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall arise; or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein: And in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action; or if the Plaintiff or Plaintiffs therein shall Limitation of Actions. General Issue.

discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if, upon Demurrer, Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action, shall have Treble Costs; and shall have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

Treble Costs.

Summonses, &c. not to be deemed unlawful for want of Form;

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

nor the Party deemed a Trespasser *ab initio*.

Publick Act.

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

FINIS.