Anno quinto

Georgii III. Regis.

An Act for continuing the Terms of ſeveral Acts, and for giving further Powers for repairing the Road from *Chatteris-Ferry*, to *Hammond's Eau* and *Somerſham Bridge*, and for amending and widening the Road from *Somerſham Bridge* to the *Sheep-Market* in *Saint Ives*; and alſo the Road branching out of the ſaid Road near *Stocks Bridge* through *Needingworth*, to *Earith* in the County of *Huntingdon*.



WHEREAS an Act paſſed in the Firſt Year of the Reign of his late Majeſty King George the Second, for repairing the Road from Chatteris-Ferry, which divides the Iſle of Ely from the County of Huntingdon, to Hammond's Eau, and from thence to Somerſham-Bridge at Somerſham Town's End in the ſaid County: And whereas an Act paſſed in the Fourteenth Year of the Reign of his ſaid Majeſty for enlarging the Term and Powers of the ſaid firſt mentioned Act, whereby the ſaid firſt Act was further continued for the Term of Twenty one Years: And whereas the Sum

Preamble, reciting Acts 1 Geo. I.

14 Geo. I.

Sum of One thousand Pounds has been borrowed and now remains due upon the Credit of the said Acts, which Sum and also the Money collected by virtue of the said Acts, have been duly applied, and great Progress has been made, but it has not been possible effectually to repair and widen the said Road, nor can the same be done, and the Money so borrowed be repaid, unless the Terms of the said Acts be further continued, some other Powers granted, and the said Acts in several respects made more effectual: And whereas the Road from Somersham-bridge aforesaid, over Somersham-heath, to the South End of the Lane next the White-hart in the Sheep-market in Saint Ives, and also the Road branching out of the said last mentioned Road at or near a Place called Stocks-bridge, leading through Needingworth, to the Second House on the Right Hand in Earith in the said County, late the Estate and in the Occupation of Aaron Upsher deceased, are in a ruinous Condition, narrow in many Places, and cannot be sufficiently amended and widened by the ordinary Course of Law: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Terms granted by the said recited Acts made in the First and Fourteenth Years of the Reign of His said late Majesty King George the Second, shall be and the same are hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters and Things in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters and Things whatsoever in this Act contained, shall, for the Purpose of repairing, widening, and keeping in Repair, the Roads

Terms granted by the recited Acts,

and the Act 28 *Geo.* II.

further continued for 21 Years;

The new Provisions, &c. to take Place immediately from the passing the Act.

Roads by the said Two before recited Acts, directed to be repaired, and also for the Purpose of repairing, widening, and keeping in Repair, the said additional Road herein before particularly described, and hereby intended to be amended, take place, and shall commence from and immediately after the Passing of this Act, and shall continue in Force until the Expiration of the said further Term of Twenty one Years, and to the End of the then next Session of Parliament; which said additional Term hereby created, as well as the said subsisting Term, shall be and are hereby declared to be subject and liable to the Payment of the said Sum of One thousand Pounds, and all Interest now due or hereafter to grow due thereon.

Additional Trustees Names.

And be it further enacted by the Authority aforesaid, That the Right Honourable John Montagu, commonly called Lord Viscount Hinchingbrook; the Right Honourable Charles Greville Montagu, commonly called Lord Charles Greville Montagu; the Right Honourable John Lord Carysfort in the Kingdom of Ireland, the Most Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Sir John Cust, Sir John Bernard, Sir Thomas Hatton, Sir Thomas Peyton, Sir John Hynd Cotton, Sir Thomas Mackworth, Dingly Askham, Peter Austen, Alcock, Richard Astell, John Allpress of Houghton, James Ashton, Holmes Austin, Samuel Abbott, Nicholas Bonfoy, Robert Bernard, William Nailour Blundell, John Bailey, Richard Beaumont, Robert Butts Clerk, John Bailey of Elton, Edward Bailey Clerk, Michael Bacon Clerk, Barnaby Brighty, Peter Brighty, Brown Apothecary, William Barnes, Joseph Barnes, Philip Bull, William Barwick, James Brittin, John Bosquain, John Bosquain junior, Aaron Brown, John Brown, William Bloom, John Banister Clerk, John Bricheno, John Birt, Thomas Clarke, John Cole, Charles Clarke, John Cole junior, John Clarke, William Cole, John Creed, Allen Cowper Clerk, Richard Carryer Clerk, William Cook Clerk, William Cook junior Clerk, John Cook Clerk, John Campion, William Chandler, Saville Cockayne Cust, Charles Cæsar, Richard Cust, Thomas Collyer, Gilbert Cordell, John Cordell junior, William Custance, Thomas Cox, John Cranwell Clerk, Francis Dixon, Charles Dickens Clerk, Peter Descow, Thomas Dexter, John Downs, John Dixson, Lawrence Desborough, Jonathan Denne, William Denne, John Dexter, John Eden, John Ellington, Thomas Everitt, Coulson Fellowes, John Fountayne Dean of York, James Favell D. D. Edward

Ferrar, Hugh Ferrar, William Fox, James Foster Serjeant at Law, James Favell LL. D. Charles Greene, Charles Greene junior, Henry Gray, John Gaskell, Robert Godby, Robert Godby junior, William Goslin, Stephen Goslin, Henry Grant, Robert Grimditch, John Hart, John Hawkins, Daniel Hopkins, Robert Hardley, Robert Hodson, Robert Hodson junior, Robert Hempstead, Thomas Stracey Holder, Joseph Hempstead, Thomas Hempstead, Henry Hampshire, John Hampshire junior, John Hagar, Samuel Holworthy, Thomas Houghton, Robert Harris, John Hubbard, Richard Hatley, Theodore Hill, John Robert Throckmorton Huske, Bromsall Huske, Robert Jones, Charles Jenner D. D. Original Jackson, John Jackson, Charles Jenner Clerk, George Jackson, Robert Jenner, Thomas Jetherell, Bartholomew Ibbott of Somersham, Thomas Johnson, John Jennings, Adrian Johnson, Thomas James, John Kent of Woodhurst, John Kent junior, Henry Kent, Robert Knightly, Thomas Knightly, Samuel Knight Clerk, Josiah King, John King, John Lawrence, Charles Leeds, John Leman, Richard Lyne D. D. John Lankester, Joseph Liversidge, John Rumbald Leeds, Edward Montagu, John Maltman, Henry Maule, Edward Martin junior Esquire, Edward Martin, John Margetts, James Mann, William Mallison, Joseph Marshall, Maddox Clerk, Geoffrey Nightingal, Newton, Silvester Oliver, Francis Overall, Richard Oakely Clerk, Charles Proby, William Peacock, William Pagitt, Peter Peckard, Thomas Pyke Clerk, Hugh Palmer Clerk, Trimnell Peacock Clerk, Reade Peacock, Thomas Palmer, Robert Pigott, Samuel Pratt, William Peace, John Peck, Walter Peck, Carter Potto, Carter Potto junior, William Prentice, Thomas Proby, John Pym, Baptist Proby Clerk, George Reynolds LL. D. George Raitt D. D. Richard Reynolds, Anthony Reynolds Clerk, Russell, George Rust, Bateman Robson, Thomas Rogers Clerk, James Rust, Rowland Rugely, Rowland Rugely junior, Joseph Redman, Robert Ridley junior, Thomas Rutherforth D. D. Peter Standley, William Smith, Robert Stow, William South, James Stocker, Thomas Stocker, Robert Stafford, Joseph Sims Clerk, Overman Smith, Abraham Staffurth, William Stephenson, Edward Stadderd, Thomas Skeeles, John South, John Stuart, William Thomson, John Thomson, Walter Thong, Thomas Thong, George Molt Thomson, Robert Tench Clerk, Edward Theed, John Turpin, William Thompson of Bruntisham, William Underwood, Morley Unwin Clerk, William Unwin,

Hale

Hales Wortham, Thomas Jenkinson Woodward, John Watkins, William Williams Clerk, William Wright of Warboys, John Wright, Leonard Waller, Chriſtopher Wood, William Whitworth Clerk, Herbert Wakeman Clerk, Francis Wiſe, Chriſtopher Wood, William Wright junior, Daniel Welſtead, Charles Marion Welſtead, Thomas Want, John Whetham, ſhall be, and they and their Succeſſors to be elected in Manner herein after mentioned, are hereby appointed, together with the Truſtees appointed by or in purſuance of the ſaid former Acts, Truſtees for ſurveying, ordering, altering, turning, widening, repairing, and keeping in Repair, all the ſaid Roads, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Seiſin and Poſſeſſion, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, ſituate within the ſaid County, of the clear yearly Value of Three hundred Pounds, above Reprizes; or be reſident in One of the Towns, Hills, or Pariſhes, in or through which ſome Part of the ſaid Roads doth lie, and alſo be in his own Right, or in the Right of his Wife, in the actual Seiſin and Poſſeſſion, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, ſituate in the ſaid County, of the clear yearly Value of Forty Pounds, above Reprizes; or be reſident in One of the ſaid Towns, Hills, or Pariſhes, and be Heir Apparent of a Perſon ſeized and poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, ſituate within the ſaid County, of the clear yearly Value of Three hundred Pounds; or be reſident in One of the ſaid Towns, Hills, or Pariſhes, and be poſſeſſed of a Perſonal Eſtate of the Value of Eight hundred Pounds, over and above ſufficient to pay all his juſt Debts; and if any Perſon not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid,

Penalty on acting, not being qualified.

or

or otherwise, shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Sign of the Crown, in the Town of Saint Ives aforesaid, on the First Day of May next after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, and meet at such House or Place near the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient for putting this Act in Execution; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and to adjourn to another Day, or in case the Trustees at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing to be affixed upon all the Turnpikes which shall be erected upon or cross the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the 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 Thirteen 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 up at all the Gates or Turnpikes then standing upon the said Roads, at least Fourteen Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Trustees not to act but at a publick Meeting.

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

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

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

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees, to be held under this Act, then in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention, of the Clerk or Clerks, having first intervened) to appoint such Trustees to meet at some House in or near the said Roads, upon that Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

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

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

Days Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may continue or remove the Turnpikes already erected upon the said Roads, and may cause to be erected any Turnpike or Turnpikes, in, upon, or cross, any Part of the said respective Roads, by the said Acts and this Act directed and intended to be made and repaired, and also upon the Side or Sides of any of the said Roads, and cross any Lane or Way leading into the same respectively, except as herein after is excepted, and also to be continued, erected, or provided, a Toll-house or Toll-houses, at or near each Turnpike, and from

Former Turnpikes and Toll houses may be continued or removed;

time to time to remove or alter the same (and also to fence and ditch off any Part or Parts of any Down, Moor, Common, Common Field, or Waste Ground, in order to prevent the evading the Payment of Toll) as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike upon the Roads comprized in the said former Acts, by such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time appoint for that Purpose, or to whom the same shall be lett, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the Tolls following thereat.

The Tolls.

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

For every Chaise or Chair, drawn by One Horse, Mare, or Gelding, Six Pence.

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

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score; and so in Proportion for a greater or lesser Number.

And that the Tolls following shall be demanded and taken at every such Turnpike upon the said additional Roads, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

For every Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Caravan, Hearse, Litter, or Pleasure Carriage, drawn by Six Horses, Mares, Geldings, or Mules, or any other Cattle, the Sum of Two Shillings;

lings; and drawn by Four or Five Horses, Mares, Geldings, or Mules, or any other Cattle, One Shilling and Six Pence; and drawn by Two or Three Horses, Mares, Geldings, Mules, or any other Cattle, Nine Pence.

For every Calash, Chair, or Chaise, drawn by One Horse, Mare, Gelding, or other Beast only, Six Pence.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four Horses, Mares, Geldings, Mules, Oxen, or other Cattle, One Shilling; and by more than Four, One Shilling and Six Pence; and drawn by Three Horses, Mares, Geldings, Mules, Oxen, or other Beasts of Draught only, Nine Pence; and drawn by Two Horses, Mares, Geldings, Mules, Oxen, or other Beasts of Draught only, Six Pence; and drawn by One Horse, Mare, Gelding, Mule, Ox, or other Beast of Draught only, Three Pence.

For every Horse, Mare, Gelding, Ass, or Mule, laden or unladen, and not drawing, One Penny Half-penny.

For every Drove of Oxen or Neat Cattle, One Shilling and Three Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, 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 if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods or Carriage upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing to pay the same: and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, or Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and that all the Tolls

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in Trustees.

Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

No Gate to be erected between *Hammond's Eau* and *Somersham*, &c.

Provided always nevertheless, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected by virtue of this Act, upon or on the Side of the Road between Hammond's Eau and Somersham, nor between Somersham and Saint Ives nearer to Somersham than a Place called Mallow Gap; any thing herein before contained to the contrary notwithstanding.

The Road leading from *Somersham-heath* to Saint *Ives* to be stopped up, &c.

And whereas there is a Way leading from Somersham-heath aforesaid, through a Gap near a Place called Little Field, near Wiggan, in the Parish of Saint Ives aforesaid, through the Fields in the said Parish to the said Town of Saint Ives, and which, if not stopped up, the Payment of the several Tolls and Duties imposed by this Act may be avoided or greatly lessened; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the said Way to be stopped up, and so continued; and also to fence from Wiggan Hedge across or on the Side of the said Heath or Fields to any Part of the said Roads intended to be repaired as aforesaid, by such Ways and Means and in such Manner as the said Trustees, or any Five or more of them, shall from time to time think proper; saving nevertheless to all and every Person and Persons whomsoever residing in any of the Parishes in or through which the said Roads, hereby directed to be repaired, do lie, their Heirs, Executors, Administrators, and Assigns, his, her, and their Right of Passage into and through the said Ways, hereby intended to be stopped up and fenced off, to go to, and return from, and for the Use and Enjoyment of their Fields or private Property in his or their own Occupation in the same or next adjoining Parish to which such Person or Persons shall dwell, by and through a convenient Gate or Gates to be erected in and upon the said Ways hereby intended to be stopped up or fenced off, by the said Trustees, for that Purpose; and if any Person or Persons shall steal, take away, damage, or destroy, any of the said Gates or Fences, or steal, damage, or break, any Lock or Locks of such Gate or Gates, or open any Passage through the said Gates or Fences, whereby the Payment of Toll shall be evaded,

Penalty on destroying the Fences, &c.

ed, every such Person shall pay to the said Trustees, or according to the Order of any Five or more of them, the Expence of repairing and restoring such Gates, Locks and Fences; such Expences to be ascertained by the said Trustees, or any Five or more of them; and shall also forfeit for every such Offence any Sum not exceeding Five Pounds, as the said Trustees, or any Five or more of them, shall order and appoint.

Trustees to provide each Person a Key.

Provided always, That the said Trustees shall find and provide for every Person whose Right is herein before saved as aforesaid, for the time being, One Key, gratis, which will open any of the Locks belonging to such Gate or Gates so to be erected upon the said Way or Ways to be stopped up or fenced off as aforesaid, he or she applying for the same, so that such Persons may have a free and convenient Passage for themselves, their Servants, Cattle, and Carriages, to pass and repass through the same, for the Purpose aforesaid, at their Wills and Pleasures; but that if any such Person as aforesaid shall lose his or her Key to such Lock or Locks as aforesaid, that then such Person shall, at his or her own Expence, find and provide another Key in its stead, in order to have such free Passage as aforesaid.

Penalty on leaving Gates, &c. open.

And be it further enacted by the Authority aforesaid, That if any such Person as aforesaid, or his or her Servant or Servants, shall wilfully leave any such Gate or Gates open or unlocked, or permit any Person or Persons, not intitled to such free Passage as aforesaid, to pass through any such Gate or Gates, or Fences, as aforesaid, with any Horse or Horses, or any Sort of Cattle or Carriages, to evade the Payment of the Tolls, each such Person and Servant so offending shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings, as the said Trustees, or any Five or more of them, shall order and appoint; and in case sufficient Distress cannot be found, then it shall and may be lawful for any One or more Justice or Justices of the Peace for the said County of Huntingdon, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Persons or Servants to the House of Correction for the said County, there to remain without Bail or Mainprize for the Space of One Calendar Month, to be reckoned from the Day of Commitment.

Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, already erected or to be by virtue of

this Act, erected upon the said Roads, and the Right and Property of the Materials provided for building or repairing the same, and of all Materials which shall be actually got or collected for repairing the said Roads, and of all Materials used or got for stopping up any Ways, or fencing off any Lands or Grounds, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, an Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring, of Indictments against any Person or Persons, who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take, or retain, or hold Possession thereof, after being required, by the Order of any Five or more of the said Trustees, to deliver up the same.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Money already borrowed on the Credit of the said former Acts, or out of the Money which shall arise by the Tolls, or be borrowed by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised from time to time, in erecting Turnpikes and Toll-houses, and making, opening, repairing, widening, and amending the said Roads, and making such Gates, Stoppages, and Fences as aforesaid, and defraying the necessary Costs, Charges, and Expences attending the same, and for making Satisfaction to any Person or Persons who shall be prejudiced or damaged thereby, and for executing all other the necessary Purposes of this Act, and to no other Use or Purpose whatsoever.

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

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Thirteen or more of them, are hereby authorized and impowered, from time to time, if they shall think proper, to lessen, vary, or alter all or any Part or Parts of the several Tolls hereby granted, and to raise the same again, so as the same do not exceed the Tolls by this Act granted; so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said former Acts, or this Act, or who at the Time of such Reduction shall have Money secured thereon; but such Reduction shall not be made unless Notice in Writing be given for that Purpose,

and raise them again.

Notice of such Reduction to be given.

pose, by affixing the same upon all the Turnpikes then erected upon the said Roads, at least Ten Days before making such Reduction; and such Tolls so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may lett, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Thirteen or more of them, may and are hereby impowered, upon Twenty one Days Notice in Writing being affixed on the several Turnpikes for that Purpose, to lett or farm by the Year the Tolls to be taken at any or either of the Turnpikes by virtue of this Act to be continued or erected, to any Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively, and the Trustees that lett the same, and be not made for more than Three Years at a time, and that the Money that shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid to the said Trustees by Four equal Quarterly Payments, and that the Person or Persons to whom the said Tolls shall be so lett, shall always pay down One Quarter's Pay in advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in advance, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, by the same Means and in the same Manner as are by this Act directed or provided for the accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for levying and recovering the same upon any of them.

Trustees may compound with Travellers.

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 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 the said recited Acts, or by this Act, directed to be widened and

and repaired, lead, for themselves, Servants, and Carriages, or Cattle passing through all or any of the Turnpikes erected by virtue of the said former Acts, or to be erected by virtue of this present Act; which Composition Money shall be instantly paid to the said Trustees, or any Nine 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.

Tolls to be paid but once a Day.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriages, through all or any of the Gates or Turnpikes erected or to be erected upon, near, or on the Sides of, any the said Roads by the said former Acts directed to be made and repaired, or cross any Lane or Way leading into the same; nor more than once for passing or repassing at any Time or Times, to be computed as aforesaid, with the same Cattle and Carriage through all or any of the Gates or Turnpikes to be erected by virtue of this Act, upon, near, or on the Sides of, the said additional Roads by this Act directed to be repaired, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid Toll once as aforesaid, within either of the said Districts, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriages through the Gate or Turnpike at which any such Toll was paid, and also through all other Gates or Turnpikes across or on the Sides of any the Roads within the respective District wherein the said Toll was paid, or cross any Lane or Way leading into the same, upon producing a Note or Ticket denoting the Payment of such Toll; which Notes or Tickets the Collectors of any the said Tolls are hereby required to give gratis on Receipt of the Toll.

Exemptions from Tolls.

Provided always, and it is hereby further enacted and declared, That no Toll shall be demanded or taken, by virtue of this Act, for any Carriage or Cattle going for or returning unloaden, after being loaden with, or being laden only with Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Roads, or any Highway in any of the next adjoining Parishes or Townships, or for any Dung, Lime,

Mould,

Mould, or Compost, of what Nature or Kind soever, for manuring of Lands or Gardens; nor for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Fodder, or Corn in the Straw, grown in the same Parish, or for passing from one Parish to the next adjoining Parish, to be laid up in the Houses or Outhouses, Barns, Yards, or Grounds of or belonging to the respective Inhabitants of the several Parishes or Places in or through which the said Roads do lie or run, nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever, belonging to or employed by such Inhabitants respectively in Husbandry, or for manuring or stocking of Lands lying near the said Roads; nor shall any Toll be taken or demanded from any Person or Persons residing in any of the said Parishes in which the said Roads do lie, for any Horses or Cattle going to or returning from Pasture or Watering-Places, nor from any Person or Persons, residing in any of the same Parishes, who shall pass through the said Turnpikes or Toll-Gates only to his or their Farm or Farms, in his or their own Occupations, in the same or next adjoining Parish to which such Person or Persons shall dwell, or to or from Church or Chapel, or other Place of Religious Worship; on Sundays; nor for the Horses of any Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes; nor shall any Person or Persons be subject to pay any Toll for the passing, returning, or repassing of any Horse, Mare, Gelding, Mule or Ass, or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Carravan, Pleasure-Carriage, or any other Carriage that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Huntingdon or Cambridge on the Day of such Election or Elections, or within One Day before or after 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, such Person shall forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees, or their Treasurer for the time being, to be applied towards the Repairs of the said Roads.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go

Penalty of obstructing Officers in their Duty, &c.

go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes, by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall knowingly or designedly assault, interrupt, or obstruct any or either of the Collectors, or Persons, in the collecting or receiving any or either of the said Tolls, or any otherwise in the Execution of his or their Office or Offices of Collector or Collectors, or shall forge, counterfeit or alter, or shall deliver to or receive of any other Person or Persons any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof, or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the said Tolls, or any Part thereof, or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of or near to either of the said Roads, the same not being a publick Highway, or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided, such Persons, and every of them, so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they, and every of them respectively, shall be liable to by Law; and it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that respect, to seize any Horse or Horses, Beast or Beasts, or Goods belonging to or in the Possession or under the Care of any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence

Penalty on giving or receiving Tickets, &c.

or taking off Horses, &c.

Penalty on Persons permitting private Passage, &c.

to avoid paying the Tolls.

or

or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they shall or shall not appear before him in the respective Penalties aforesaid, and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties and the Charges of seizing and selling the same, and of such Conviction, and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress, 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 and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means and in such Manner as are herein after mentioned and provided for the levying and recovering of the Penalties and Forfeitures imposed by this Act.

Reservation of Rights.

Provided also, and it is hereby enacted and declared, That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls, Thorough Tolls or Duties, as have been usually had and lawfully taken upon any Part of the said Roads.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby impowered at their First, or any subsequent Meeting, to borrow and take up at legal or lower Interest, any Sum or Sums of Money (not exceeding Four thousand Pounds, including the One thousand Pounds already raised upon the Credit of the said former Acts) upon the Credit of the Tolls payable by virtue of this Act, and to assign over and convey 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

for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, 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, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right, to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may at all seasonable Times be perused and inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

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

All Creditors to be deemed equal in Degree.

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, in equal Degree one with another.

Trustees not subject to Payment of Debts contracted under 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 may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby impowered by Writing under their Hands, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper, and from time to time to remove such Officer or Officers, and on the Death or Deaths, Removal or Removals, of such Officer or Officers, to appoint others in their Steads; but Seven Days Notice shall be given of every Meeting where any such Appointment or Removal shall be made, after the First Meeting of the said Trustees, upon all the said Turnpikes; and by and out of the Monies that shall be raised by virtue of this Act, may and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed for their Services, in repairing, widening, or altering the said Roads, and otherwise putting the Powers by this Act given in Execution, as they shall think reasonable; provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or a Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their respective Offices as the said Trustees, or any Five or more of them, shall think fit; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Treasurer, &c. to give Security.

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

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall under their Hands at such Time and Times and in such Manner as the said Trustees, or any Five or more of them,

shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer, verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty one Days after being thereunto required, by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of the said former Acts, or this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring or cause to be brought any Action or Actions in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Person so refusing or neglecting, to be brought before them, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees,

Officers refusing to account,

Justices to enquire into the Default,

Truſtees, or any Five or more of them, by virtue of this Act, might have done; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby impowered and required to adminiſter without any Fee or Reward,) it ſhall appear to ſuch Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Perſon; and if no Goods or Chattles of ſuch Officer or Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale; then, and in either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Nine or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Truſtees, or any Nine or more of them, are hereby impowered to make) or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Truſtees, or any Nine or more of them.

and levy the Balance by Diſtreſs and Sale.

For want of Diſtreſs, the Offender to be committed,

until he ſhall conform, or compound.

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 for the ſaid Roads, 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, Sedge, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper

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

per for the repairing of the said Roads, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town or Place in which any Part of the said Roads lie, or in any neighbouring Parish, Town or Place, without paying any thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons, as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid; the Justices of the Peace at their next General Quarter-Sessions to be holden in and for the County wherein such Difference shall arise, on Ten Days Notice thereof to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some one of their respective Families, shall hear, settle, and determine, the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

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.

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,

Surveyors may remove Annoyances,

Surveyors, and such Person or Persons as he or they shall appoint from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Fourteen Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, and to cut down, lop, or top, any Trees (Timber Trees excepted) Branches, Shrubs, or Bushes, growing in the said Roads, 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 Forty Days next after Notice in Writing given for that Purpose, to be left at the House or Place of Abode of the Owner or Occupier of the Land on which the same shall stand, under the Hands of Five or more of the said Trustees; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds, over and above the Expence of removing such Obstructions or Annoyances.

cut down Bushes, &c.

Owners neglecting the same after Notice.

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having

Surveyors to make Causeways, cut Drains, &c.

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

make a temporary Road, &c.

making Satisfaction to the Owners of the Grounds.

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

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

And be it further enacted by the Authority aforesaid, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Persons whatsoever, who by any Law, Custom, Usage, or otherwise, are or shall be

be liable to the Repair of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof as they respectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

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

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

Penalty on Persons not performing Statute-work;

Manner, as according to the Powers by this Act given he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings, and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places, respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do, within the Time or in the Manner herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds.

and on Surveyors neglecting to deliver Lists.

Trustees may compound with Parishes, &c. for Statute-work.

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

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

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Five or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of or near to any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for widening, turning, or altering any Part or Parts of the said Roads (provided that such Part or Parts of the said Roads as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Sixty Feet, exclusive of the Ditches) and to pay for the same Lands and Hereditaments by and out of the Tolls, and other

monies, to be raiſed by virtue of this Act; 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 Five 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 Five or more of them, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances, that ſhall be ſo made as aforeſaid, ſhall be valid and binding, againſt and to all Perſons, and to all Intents and Purpoſes whatſoever.

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

And be it further enacted by the Authority aforeſaid, That if any Body Politick or Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Truſtee, or other Perſon or Perſons whatſoever intitled to, or intereſted in any Lands or Hereditaments, which the Truſtees appointed, or to be appointed, by virtue of this Act, or any Five or more of them, ſhall think neceſſary to be purchaſed for the widening, turning, or altering any Part of the Roads by this Act intended to be repaired, ſhall, upon Application to them, or any or either of them, for that Purpoſe made, refuſe or neglect to treat with ſuch Truſtees, for the Sale of ſuch Lands or Hereditaments, or if by Reaſon of their or any of their Abſence, or diſtant Reſidence from the Lands or Hereditaments intended to be purchaſed, he or they cannot conveniently be applied to or treated with for that Purpoſe, or if treating, he or they ſhall not agree with the ſaid Truſtees for the Prices of ſuch Lands, or Hereditaments, then, and in either of ſuch Caſes, the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, or his Deputy, to impanel, ſummon, and return a Jury of Twenty four honeſt and diſintereſted Men of the ſaid County, to be and appear before the ſaid Truſtees, at a certain Time and Place, to be ſpecified in the ſaid Warrant or Warrants, Precept or Precepts, the ſaid Time, being at leaſt Ten clear Days next after the Date and Delivery of the ſaid Warrant or Warrants, Precept or Precepts reſpectively,

Perſons refuſing to treat,

Truſtees may iſſue their Warrant to ſummon and impanel a Jury.

to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return the said Jury accordingly, giving to each Juryman at least Four clear Days Notice of the Time and Place of his Attendance, and the said Jurymen are hereby required to attend accordingly, and the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Natures, Situation, and Quantities of such Lands or Hereditaments, and the Time when and Place where the said Jury are to meet, to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors on their Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby impowered and required to administer) of the Value of such Lands and Hereditaments, and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the By-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges, and the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in charge to the said Jury that shall be sworn, may and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, which Oaths the said Trustees, or any Two or more of them, are hereby impowered and required to administer, concerning the Natures and Values of the said Lands and Hereditaments, and if needful, or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury being so informed, shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of; and the said Trustees, or such Five or more of them, as shall be present at the taking of such Inquests, shall thereupon adjudge the

Jury to settle the Recompence.

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

Sums

Sums of Money assessed by the said Juries as the Values of the said Lands, or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes-Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof: Or if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office, relating to the Premisses; or if any Juryman so summoned as aforesaid shall not appear, or appearing, shall refuse to be sworn, or if sworn, shall not find his Verdict concerning the Matters that shall be given him in Charge, or if any Witness being sent for, or summoned to appear, and give Evidence to the said Trustees and Juries, shall not appear, or if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid, every such Sheriff, Deputy, Juryman, and Witness, shall for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

Verdict of the Jury to be binding and conclusive.

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

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgements of the Trustees, concerning the Value of Lands and Hereditaments, that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration-monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands or Hereditaments, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same, or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees, to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall from thenceforth for ever afterwards,

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

and deemed a publick Highway.

wards, be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in repair in the same Manner and by the same Means and Powers as the Roads by this Act intended to be repaired are hereby directed so to be; and after any such new Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands, to which such new Road doth not lead, shall be and are hereby vested in and may be exchanged or sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same, and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied.

Old Road may be sold.

Buildings, &c. not to be injured.

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

Penalty on haling Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or caused to be haled and drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof, or shall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, lying near, or adjoining to, the said Roads, or shall shovel up, take or carry away any Stones, Gravel, Sand, or Soil from off, or on the Sides of the said Roads, or such Causeways as aforesaid, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways, to the Annoyance or Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and they are hereby impowered and required to cause Stones or Posts to be set up on the Sides of the said Roads, at the Space of One Mile distant from each other, with Inscriptions thereon denoting the Distance of each of the said Stones or Posts, from some Town or

Place

Place as they shall think fit, and also to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully break or pull down, dig up or damage the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks, that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of 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 Three clear Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to inquire 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,

Penalties and Forfeitures how to be recovered.

convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred, in those Respects, and for Non-payment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants under his Hand and Seal for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded, and for want of such Distress or Distresses for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal for the apprehending such Offender or Offenders, and for committing him or them to the common Gaol of the County or Place where he, she, or they shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them, and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and upon Receipt thereof to discharge the said Offender or Offenders from the said Penalties, or Forfeitures, and Charges.

Application of the Forfeitures.

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 Roads, in respect whereof such Penalty or Forfeiture respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself, or herself, aggrieved by any Act, Order, Conviction, Judgement, or Determination, of any Justice or Justices that shall be done or made by virtue of this Act, such Person may appeal against the same to the Justices of the Peace, at their next General Quarter Sessions of the Peace, to be held for the County where the Matter shall arise, after such Act, Order, Conviction, Judgement, or Determination, shall be done or made, upon Ten clear Days Notice thereof in Writing, if so many before the said next Sessions, being given

Notice of Appeal to be given.

by

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 Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made, and within Two Days after such Notice, entering into a Recognizance before some 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 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 Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Distress not unlawful for want of Form;

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, or on the Case, at the Election of the Party or Parties so aggrieved,

nor the Parties distraining deemed Trespassers *ab initio*.

Provided,

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

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 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 Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other 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 to be paid their Costs, and indemnified.

And be it further 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.

Proceedings to be enter'd 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; and such Acts, Orders, Accounts, and Proceedings,

ceedings, 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.

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

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

like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

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

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

nor the 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.