Anno quinto

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, ſeveral Roads leading to and from *Crewkerne*, in the County of *Somerſet*.



WHEREAS the Road leading from a certain Water called South Perrott Water, which divides the Counties of Somerſet and Dorſet, through the Pariſh of Miſterton, and to and through the Town of Crewkerne, in the ſaid County of Somerſet, to the North End of a Lane called Proveſt Lane, in the Pariſh of Stoke Under Hamden, in the ſaid County of Somerſet; and alſo the Road leading from a certain other Water which divides the ſaid Counties of Somerſet and Dorſet, called The Brimble Water, through the ſaid Pariſh of Miſterton, to the Direction Poſt, at a Place called Roundham, in the ſaid Pariſh of Crewkerne; and alſo the Road leading from the ſaid Town of Crewkerne, over a Bridge called Clapton Bridge, to a Place called The Three Aſhes, in the ſaid Pariſh Preamble.

Parish of Crewkerne; and also the Road leading from a certain Place, in the said Parish of Crewkerne, called Broadshard, through the Parish of Merriott, to a Place called Lopenhead, within the Parish of Lopen, in the said County of Somerset, are in a very ruinous Condition, and in several Places very narrow and incommodious, and in the Winter Season many Parts thereof so bad and founderous, that Coaches and other Carriages cannot pass without Danger, to the Detriment of Persons travelling the same, and cannot be effectually repaired, widened, and rendered commodious, by the present Methods provided by Law: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Percy Windham Obrien Earl of Thomond in the Kingdom of Ireland, the Honourable John Poulet, commonly called Lord Hinton; the Honourable Fox, commonly called Lord Stayerdale; the Honourable John Fane, commonly called Lord Burghersh; the Honourable Frederick North, commonly called Lord North; the Honourable Ann Poulett, Sir Charles Kemys Tynte, Sir John Oglander, Baronets; John Pinny High Sheriff of Dorset, John Adams of Seaborough, John Adams of South Perrot, Clerks; Richard Brodrepp, William Bragge, James Barnard, Esquires; Thomas Bryant, Nicholas Baker, William Baker, Reginal Bean, Clerks; the Reverend William Blake, Peter Battiscomb, Thomas Budd the elder, Thomas Budd the younger, Samuel Bovet, William Budge, Richard Bragg, John Bragg, William Bragg, Thomas Bryant, William Budden, Worshington Brice, Gentlemen; William Coxe, John Corpe, Clerks; John Cottle, John Combe, John Mitchell Cleeves, Robert Chaffey, Charles Coxe, Simon Cleeves, Gentlemen; John Donne Esquire, James Donne, Thomas Donnett, William Draper, John Donne of Puckington, John Draper, Gentlemen; John Eason, Henry England, Edward England, Gentlemen; William Fewtrel Clerk, Thomas Fitchett, Elias Forsey, Gentlemen; Francis Gwyne Esquire, John Gray, William Gray, George Godwin, Bernard Gapper, Robert Gunner, Robert Gibbs, Joseph Greenham, Gentlemen; Henry Cornish Henly, John Helliar, William Hody, Chichester Hody, Thomas Hallett, Esquires; Henry Heale, Charles Hanning, Doctors in Physick; Arthur Hood Clerk, William Hoskins, Thomas Hoskins,

Trustees Names.

Henry Hoſkins, Oliver Hoſkins, Robert Hillard, John Hodges, William Jolliffe, Daniel Jolliffe, Gentlemen; William Kennaway Gentleman, James Marwood, Adam Martin, James Thomas Benedictus Marwood, Eſquires; William Merefield, Matthew Merefield, Samuel Marder, Gentlemen; John Notley Eſquire, William Oſtler Gentleman, Thomas Prowſe, John Pyne, John Pinny of Pilmarſh, Edward Phelips, Eſquires; the Reverend Joſeph Paul, Robert Pearſon, Robert Purcell, Robert Burnett Patch, John Peſter, Clerks; Amos Pitcher, John Perkins of Miſterton, John Perkins of Hinton Saint George, Henry Palmer of Miſterton, Robert Palmer, Edward Patten, Pinny Gentleman; Mathew Quantock Eſquire, Mathew Quantock the younger Gentleman, Henry Rodbard, William Rodbard, John Rodbard, Eſquires; Thomas Robbins, Thomas Roſſiter, John Raiſe Gentleman; Richard Symes Eſquire, William Stiby Gentleman, Henry Slade of Burſtock, Henry Slade of Blackdown, Edward Symonds Gentleman; James Taggart, Chriſtopher Tatchell, Twyford, Clerks; Robert Taylor, George Trenchand, Robert Templeman, Thomas Templeman, Richard Templeman, Thomas Taylor, Gentlemen; John Wills, Nathaniel Webb, Robert Webb, John Whitley, Thomas Wills, Henry White Gentleman; Hugh Yeatman Gentleman, William York Gentleman, and their Succeſſors, to be appointed in Manner herein after mentioned, ſhall be and they are hereby appointed Truſtees, for putting this Act in Execution.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate, of the clear yearly Value of Two hundred Pounds, or poſſeſſed of or intitled unto a Perſonal Eſtate, to the Amount or Value of One thouſand Pounds: And if any Perſon, ſo made incapable to act, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed;

Penalty on acting, not being qualified.

and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet at the George Inn, in the Town of Crewkerne, on the Wednesday Three Weeks next after the Day of the Passing of this Act, and then choose a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and do such other Acts as they shall think necessary to be done in Pursuance and Execution of this Act; and shall then and there adjourn themselves to, and afterwards meet at, the Place aforesaid, or at such other Place or Places as the said Trustees, or any Seven or more of them, shall think fit, as often as it shall be necessary for putting this Act in Execution.

Trustees to determine Differences.

And be it further enacted, That in case any Difference or Dispute shall arise amongst the said Trustees, relating to the Trust reposed in them, by virtue of this Act, at any of the said Meetings of the said Trustees appointed by and in Pursuance and for the Purposes of this Act, such Difference or Dispute shall be determined by the Majority of the Trustees then present at such Meeting, such Majority consisting of Five or more; but if it shall at any Time so happen that there shall not be a sufficient Number of Trustees present, at any of the aforesaid Meetings, so as to determine the said Difference or Dispute by the Majority, to consist of Five at the least, such Difference or Dispute shall be adjourned over to and determined at the next Meeting, when a sufficient Number of Trustees shall happen to be present to determine the same as aforesaid: And if it shall happen, upon any Adjournment of such Meeting, that Five at least of the Trustees shall not appear on such Adjournment, such Meeting shall be deemed to be adjourned over to that Day Week, and shall and may be holden, without further Notice, as often as the like Case shall happen; and that the said Trustees, at their First and all their subsequent Meetings, shall pay their own Charges and Expences.

In Default of a sufficient Number to act,

Meeting to be adjourned.

Trustees to defray their own Expences.

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

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

And

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

And be it further enacted, That as often as any One or more of the ſaid Truſtees ſhall die, or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, under their Hands and Seals, to appoint another Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying or refuſing to act; and Notice of the Time and Place of Meeting, for the Election of ſuch Truſtee or Truſtees, ſhall be given by the Clerk to the Truſtees, by affixing the ſame in Writing on all the Gates or Turnpikes, which ſhall be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; and the Perſon or Perſons ſo appointed ſhall and may act in the Execution of this Act, as fully as any Truſtee hereby nominated is impowered to do. On Death, or Removal of Truſtees, others to be choſen. 14 Days Notice of Election to be given.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or acroſs, the ſaid Roads, and a Toll-houſe at each of the ſaid Gates or Turnpikes, and cauſe the following Tolls to be demanded and taken thereat, before any Cattle or Carriage ſhall be permitted to paſs through the ſame; that is to ſay, Truſtees may erect Turnpikes and Toll-houſes, and take the following Tolls thereat.

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Coach, Chariot, Berlin, Landau, Hearſe, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence. The Tolls.

For every Ox, Steer, Gale, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage, ſingly and not in Pairs or a-breaſt, the Sum of Three Pence.

For every Ox, Steer, Gale, or Bull, drawing in any Waggon, Wain, Cart, or other Carriage, a-breaſt or in Pairs, the Sum of Three half 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, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and ſo in Proportion for any leſs Number.

For

For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any less Number (except all such Sheep or Lambs as shall be going to or returning from Crewkerne Market on the Market Day only.)

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied in such Manner as herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beasts, upon which such Tolls are by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Tolls, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Trustees may erect Sidegates, &c.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon, in, or across, any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted; and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat,

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

No Turnpike to be erected but by Order of the Trustees.

And be it further enacted and declared, That no Gate or Turnpike shall be erected on any Part or Parts of the Roads hereby directed to be repaired, or at the Ends thereof, other than such Turnpikes as the said Trustees, or any Seven or more of them, shall cause to be erected by virtue of this Act.

And

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

And be it further enacted, That out of the First Money to arise by the Tolls hereby granted, or out of such Money as shall be borrowed on the Credit thereof, 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 in erecting Gates or Turnpikes, and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted, That if any Person or Persons shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same, or any other Gate or Turnpike to be erected by virtue of this Act, with the same Cattle or Beast Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll. Tolls to be paid but Once a Day.

And be it further enacted, That the said Trustees, or any Seven or more of them, at any Time during the Continuance of this Act, may lett the Tolls hereby granted, or any Part thereof, on Lease to any Person Trustees may lease, &c. the Tolls.

or Persons by the Year, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted, That no Toll shall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Cattle or Carriage laden with or going for Materials for repairing any Road or Highway, or laden with or going for Wood for Fuel, or Lime, or for Dung, Mould, or Soil, for manuring of any Garden or other Land or Ground, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides of the Owners thereof, or drawing any Plough, Harrow, or other Implement of Husbandry; or for any Coach or other Carriage, or Horse, of any Person or Persons going to or from Church, or other Place of religious Worship they usually resort to on Sundays, or attending the Funeral of any Person who shall die and be buried in any Parish through which the said Roads lead; or for any Cattle going to, or returning from, Pasture or Water; or for any Cattle or Carriages going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Somerset; or for any Post Horse or Carriage with the Mail; or for the Horses of any Officers or Soldiers on their March, or for any Carts or Carriages attending them; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

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

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall unload or take from or out

of

of any Waggon, Cart, or Carriage, any Grain, Goods, Wares, or Commodities, or any Part of the Loading of such Carriage; or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to, or receive from, any Person (except the Toll-gatherers to be appointed by this Act) any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending, and also the Person thereby avoiding the Payment of the said Tolls, being thereof convicted upon the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County, residing in or near the Road where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, such Sum as shall be adjudged reasonable by the said Justice or Justices, not exceeding the Sum of Forty Shillings, to be recovered and disposed of in such Manner and to such Uses as are herein after-mentioned.

or giving or receiving Tickets, &c.

to avoid paying the Tolls.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, upon the Credit of the Tolls hereby made payable, and to be collected on the said Roads, and may, and they are hereby authorized and impowered, to mortgage and assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing of this Act in the Manner aforesaid being thereout first deducted) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

And

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or who shall be invited to the Money thereby secured, and his, her, or their Assignee or Assignees, may and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Person.

Notice to be given of borrowing Money.

Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls and Duties hereby granted (except at their First Meeting) unless Notice for that Purpose in Writing, under the Hand of the Clerk to the said Trustees, be affixed at or upon all the Gates or Turnpikes that shall be then erected by virtue of this Act, of the Time and Place for borrowing such Money, at least Ten Days before borrowing the same.

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

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, with the Payment of any Money by reason of their or any of their signing the said Mortgages or Assignments, or any or either of them.

Trustees may appoint Officers,

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers or any or either of them, from time to time, to remove, and to appoint others, in case of Death or such Removal, and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers or other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall

and remove them, and appoint others.

Officers to account upon Oath.

seem reasonable: And all and every such Officers and other Persons shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees, (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of

of them, or to such Person as they shall appoint to receive the same; and in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath, such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County or Place where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, either by Confession of the Parties themselves, or by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any the Offences aforesaid, such Justice or Justices shall commit the Offender to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid; or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

till Payment or Composition made.

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

Treasurer, &c. to give Security.

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

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

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste or Common, in any Parish, Town,

Surveyors may dig Gravel, &c.

or Place, in, adjoining to, or lying near the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done: And if Quantities of such Materials sufficient for that Purpose cannot be found in or upon such River or Brook, Waste or Common, then and in such Case to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, walled Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees) they the said Surveyors, or other Person or Persons, paying or offering to pay the respective Owners or Occupiers of such Lands or Grounds such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof, to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages.

without paying for the same; levelling the Pits.

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

making Satisfaction to the Owners.

Justices to determine Differences.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them, or either of them, appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridge or Bridges upon, in,

in, or across the said Roads, or any Part thereof, and to cut, or cause to be cut, any Watercourses in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

making Satisfaction to the Owners of the Grounds.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances for the Space of Forty Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid: And in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, from time to time, to levy the Charge thereof upon such Owners or Occupiers, by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend

Surveyors to remove Annoyances, &c.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor,

to be levied by Distress and Sale.

Penalty on a Second Offence.

offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

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

after Notice given for that Purpose,

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner and Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase

thase thereof; or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and

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

shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons refusing to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then,

Jury to settle the Recompence.

and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons, interested for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees,

Witnesses may be summoned, and examined upon Oath.

or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired

quired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County, wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall

Verdict of the Jury to be final.

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

Jurors may be challenged.

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

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

Fine not to exceed 10 l.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or Seven or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands, Grounds, or Hereditaments, or Loss, or Damage, as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, or Losses, or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees,

Expences of the Jury how to be borne.

Truſtees, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands, Grounds, or Hereditaments, or Loſſes, or Damages as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

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

And be it further enacted, That all and every Sum and Sums of Money, ſo aſſeſſed as aforeſaid, is hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof to ſuch Perſons or their Agents, and in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees for the Uſe of ſuch Perſons, ſuch Lands, Grounds, or Hereditaments ſhall be laid into and made Part of the ſaid Roads, and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the ſaid Roads, and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Road ſo widened, altered, or turned, was and ought to have been kept in Repair: And after ſuch new Road ſhall be completed, the Lands and Grounds compriſed in or conſtituting the old and former Road ſhall be veſted in, and ſhall and may be ſold by, the ſaid Truſtees, or any Five or more of them, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing the ſaid Roads, and other the Purpoſes of this Act: And the Sale, or Conveyance and Conveyances, to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Place wherein ſuch Lands, Grounds, or Hereditaments ſhall lie, ſhall be good and effectual in the Law, to all Intents and Purpoſes whatſoever.

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

and deemed a publick Highway.

Old Road may be ſold.

Buildings, &c not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, walled Garden, Park, Plantation, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as they, or every of them, have or hath heretofore actually done or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Places and Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint: And that every Inhabitant of or Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, or shall occupy such Lands, Tene-

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

ments, or Hereditaments, as Persons keeping Teams are obliged by Law and ought to do; that is to say, for every Fifty Pounds he, she, or they shall occupy.

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

And, to the Intent that the said Trustees may know the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the said Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants and Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them keep Packhorses, or other Beasts of Burthen, and how many in Number, and which of them are Labourers only, or liable to do their Statute-duties as Labourers only; and also Lists of all the Roads liable to be repaired within the said Parishes by the Statute-work or Labour, and the Extent thereof.

Penalty on Surveyors neglecting to deliver Lists;

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants or Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, or Places, being obliged

and on Persons not performing Statute-work.

or

or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the Roads, at such Times and Places, and in such Manner, as they shall by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, after Notice in Writing shall for that Purpose have been affixed on the Church Door of the Town, Parish, Hamlet, or Place, where such Inhabitants respectively shall live, or occupy any Lands, Tenements, or Hereditaments, on the Sunday Morning preceding the Time for the Performance of such Statute-work (which Notice the Surveyor or Surveyors appointed by the said Trustees are hereby required to give or cause to be given) and such Notice shall be deemed to all Intents and Purposes sufficient, as if such Inhabitants and Occupiers had been personally served therewith, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every such Inhabitant or Person who shall keep a Packhorse or Packhorses, or other Beasts of Burthen, and no Team, or not by this Act deemed to keep a Team, for every Day's Default for every such Horse or Beast and Driver, the Sum of Three Shillings; and every other Inhabitant or Person chargeable or liable to be charged towards the Repairs of the Highways, and not keeping or deemed by this Act to keep a Team, and not keeping a Packhorse or other Beasts of Burthen, for every Day's Work the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, Cart, Packhorse, or other Beasts of Burthen, to work on the said Roads for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person and Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, Cart, Packhorse, or other Beasts of Burthen, to work on the said Roads, and he, she, or they shall be subject and liable to the said respective Forfeitures, as if he, she, or they had neglected

Persons found idle to be turned off.

lected or refused to do or perform the said respective Days Work.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money by the Year, or otherwise, as they the said Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants or Occupiers respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment. Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired, do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, unless the same shall be made within Eight Days preceding such Quarter Sessions, and then to the Second Quarter Sessions next after such Direction or Appointment: And the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal, to the Surveyor or Surveyors appointed by the said Trustees. Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

And be it further enacted, That if any Person shall hale or draw, or caused to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages or Sledges; every such Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Mile-stones or Posts to be set up on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distances of Places, and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead: And

Penalty on defacing Mile-stones.

if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy any or either of the Stones or Posts that shall be so set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly obliterated, defaced, or pulled down.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, which Warrant the said Justice or Justices is and are hereby impowered and required to grant, upon Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their

Hand

Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the common Gaol of the County of Somerset, there to remain for One Calendar Month, to be reckoned from the Day of Commitment; and such Person or Persons shall not be discharged until he, she, or they shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing Eight Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to the Treasurer or Treasurers, or Clerk, to be appointed by virtue of this Act, or some or One of them; which said Justices, at their said Sessions, upon due Proof of such Notice being given, shall proceed in, and hear, and determine, the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

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

nor removeable by *Certiorari*,

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

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be 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,

Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover Satisfaction for the Special Damage in an Action upon the Caſe.

nor the Party diſtraining be deemed a Treſpaſſer *ab initio*.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

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

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies which ſhall be collected and received, laid out, expended, and paid, by virtue of this Act, and all Orders, Acts, Matters, Proceedings, and Things, which ſhall be done, by the ſaid Truſtees, in the Execution of the Powers hereby to them given, ſhall, from time time, be duly and regularly entered in a Book or Books which ſhall be kept for thoſe Purpoſes by the Clerk or Clerks to the ſaid Truſtees; which ſaid Book or Books ſhall and may be ſeen or peruſed at all ſeaſonable Times by any Perſon or Perſons whomſoever, without Fee or Reward; and ſuch Orders ſo entered, being ſigned by ſuch Clerk or Clerks, at any Meeting of Five or more of the ſaid Truſtees, as the Caſe ſhall require, ſhall be deemed and taken to be Original Orders, as if the ſame were under the Hands and Seals of Five or more of the ſaid Truſtees; which ſaid Book or Books ſhall and may be produced and read in Evidence, in all Caſes of Suits or Actions, touching any thing done in Purſuance and by the Authority of this Act.

Proceedings to be entered in a Book.

Provided always, and be it further enacted, That no Truſtee named or appointed, or which ſhall be named or appointed, in or by virtue of this Act, ſhall act as ſuch, or be impowered to do any Act in the Execution of the Powers hereby given to the ſaid Truſtees, unleſs it be at a Meeting to be by them held in purſuance of this Act.

No Act valid, unleſs made at a publick Meeting.

Provided always, and be it further enacted, That when and ſo often as it ſhall happen that any Collector of the Tolls, to be appointed by the Truſtees aforeſaid, ſhall happen to die or abſent himſelf, it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, not preſent at a Meeting, to nominate and appoint ſuch Perſon as they ſhall think proper to collect the ſaid Tolls, in the Room of ſuch Collector ſo dying or abſenting himſelf

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

himself as aforesaid, until the next Meeting of the said Trustees, at which Meeting the said Trustees shall proceed to the Election of a new Collector, in Manner herein before-mentioned.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order made to be revoked, unless 7 Trustees consent thereto.

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

Commencement and Continuance of this Act.

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

Limitation of Actions.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Ten Days Notice shall thereof be given to the Clerk or Clerks to the said Trustees, or after Six Months next after the Fact committed; and every such Action or Suit shall be laid in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought

General Issue.

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

Treble Costs.

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

FINIS.