Anno quinto

# Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road from *Welford Bridge*, in the County of *Northampton*, through *Husband's Bosworth* and *Great Wigston*, to *Milston Lane*, in the Town of *Leicester*.

WHEREAS the Road leading from Welford Bridge, in the County of Northampton, through Husband's Bosworth and Pincin Lane, and over Part of the Lordships of Mousley and Knaptoft, and by the several Towns of Sheavesby and Arnesby, and over Part of the Lordships of Kilby and Foston, to and through Great Wigston, and Part of the Lordship of Knighton, to the Milston Lane, in the Town of Leicester, leaving Saint Mary's Workhouse on the Left Hand, in the County of Leicester, is in a ruinous Condition, and in several Parts narrow and incommodious to Passengers, and the same 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 Preamble.

Truſtees Names.

Shuckbrugh Aſhby, John Andrews, Robert Andrews, Richard Atkins, the Reverend James Ancell Clerk, Thomas Andrews, William Andrews, Charles Skrymſher Boothby, Charles Boothb Skrymſher, Robert Bakewell, Joſeph Bunney, Edmundy Bunney, William Beckworth, William Bateman, Robert Burnaby Clerk, Francis Beynon, William Bentley, William Belgrave, Joſeph Bentley, Richard Brewin, Charles Barwell, William Biggs, Richard Barry, John Burrows, Sir Thomas Cave Baronet, Thomas Cave, William Cartwright, Thomas Cartwright, Joſeph Cradock, Joſeph Cradock junior, Henry Coleman, William Crick, John Cooper, Iſaac Carter, George Cowdall, John Choice, the Reverend George Coulton, the Reverend Richard Coulton, the Reverend John Clayton, the Reverend Slaughter Clark Clerk, John Darker, Samuel Davenport, Edward Davie, James Davie, John Davie, Richard Emmerton, Richard Farrer, Edmund French, Jonathan Foſter, the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable Booth Grey, the Honourable John Grey, Thomas Grace, Richard Garle, Samuel Gamble, Jonathan Grundy, Sir William Halford Baronet, William Hanbury, William Hewitt, John Hempſall, George Villiers Hewitt, the Reverend Charles Hutchinſon D. D. the Reverend Joſeph Hooley Clerk, Thomas Halford, Charles Halford, William Herrick, Samuel Heyrick, John Heyrick, Thomas Harris, Thomas Holled, Thomas Hurſt, Thomas Hunt, Richard Herbert, William Hill, Edward Halford, Sir Edmund Iſham Baronet, Ambroſe Iſted, Thomas Joe, William Jervis Clerk, Edward Inge, John Jackſon, Lucy Knightley, Anthony Keck, Anthony James Keck, Thomas King, Thomas King junior, Sir John Langham Baronet, Thomas Langton, John Lambert Clerk, the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable William Manners, commonly called Lord William Manners; the Mayor and Aldermen of the Borough of Leiceſter for the time being; Thomas Manners Clerk, Frederick Montague, Peter Martin, the Reverend John Newton, Samuel Oliver, Peter Oliver, Sir Thomas Palmer Baronet, John Palmer, William Pochin, Edward Palmer, Thomas Pares, Thomas Pares junior, Armſton Pochin, William Peck, Valentine Pyne, Edward Powers, the Reverend Lewis Palmer Clerk, Rogers Ruding, Walter Ruding, Matthew Reid, the Right Honourable George Sutton, commonly called Lord George Sutton; the Reverend Nicholas Simons, Ambroſe Saunders, the Reverend Edward Stokes, the Reverend Peter Shuter, Clerks; John Simpſon, Holled Smith, William Simpſon, John Shipton, Nathaniel Simpſon,

Simpſon, John Sturgis, John Stevens, Thomas Thoroton, William Turville, Francis Forteſcue Turville, Samuel Tilley, Sir Thomas Ward Knight, George Wrighte, James Wigley, James Winſtanley, Clement Winſtanley, Francis Wheler, John Weſton, Thomas Wightman, John Ward, Luke Williamſon, William Ward, William Wartnaby, Benjamin Woodford, Jonathan Willis, the Reverend William Brecknock Wragge, John Watchorn, William Young, John Young, Edward Roe Yeo, 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 One hundred Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon, hereby deemed 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; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Samuel Oliver, known by the Sign of The Three Cranes in Leiceſter, on the Monday Three Weeks next after the Day of the Paſſing of this Act, and ſhall proceed to the Execution of this Act, and ſhall then adjourn themſelves from time to time to ſuch Times and Places as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to any other Time and Place, then the Clerk to the Truſtees ſhall adjourn

In Default of a ſufficient Number to act,

Notice to be given of another Meeting.

the said Meeting to, and appoint the Trustees to meet at the Place where the last Meeting was appointed to be held on that Day Three Weeks next after the Day on which said last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment.

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.

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

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

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

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

Trustees may erect Turnpikes and Toll-houses;

and take the Tolls following thereat.

Tolls.

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 Road, and a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls at each of the said Gates or Turnpikes, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

Tolls.

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Half-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 every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any less Number.

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 Seven 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 is herein after-mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, 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; and if such Toll, 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.

Distress may be sold after 4 Days.

And be it further enacted, That it shall 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 Road, 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.

Trustees may erect Side-gates.

and take Tolls thereat,

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

And be it further enacted, That no Gate or Turnpike shall be erected nearer to the Town of Leicester than that Part of the said Road called Knighton Lane.

Proviso.

And

Turnpikes, Toll-houses, &c. vested in the Trustees.

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 Road, 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 Road.

Application of the Monies.

And be it further enacted, That out of the First Money arising 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 Road, 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.

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

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said Trustees, or any Seven or more of them, shall think proper; and such Tolls so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person 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 Gate or Turnpike 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

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.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons, by the Year or otherwise, 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.

Persons and Things exempted from Tolls.

And be it further enacted, That no Toll shall be demanded or taken for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway; or Compost of any Nature or Kind whatsoever, 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 other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land, in the several Townships, Parishes, Hamlets, or Places, in which the said Road hereby intended to be repaired doth lie, or drawing any Coaches or other Carriages, or from Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Northampton or Leicester; or for any Cattle drawing the Coach or other Carriage 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 Road leads; nor shall any Toll be demanded or taken at any Gate or Turnpike to be erected cross any Lane or Way leading out of the Road hereby directed to be repaired, for any Cattle or Carriage crossing the said Road only; or for any Cattle going to, or returning from, Pasture or Water; or for any Post-horse or Cattle drawing any Carriage with the Mail; or for the Horses of any Officers and Soldiers on their March, or for any Cattle drawing the Carts or Carriages attending them; or for

Horses or Cattle drawing Carriages travelling with Vagrants sent by Passes.

Penalty on Persons making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, 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 Road.

Penalty on passing thro' 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 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 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 in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may borrow Money upon the Credit of the Tolls.

And, for the more speedy repairing and widening the said Road, 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, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby authorized and impowered, to mortgage or 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 this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Road, 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.

And be it further enacted, That all and every Person and Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls shall be made, or who shall be intitled 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 Persons. Assignments may be transferred.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, 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 and other Persons for their Services, as to the said Trustees, or any Seven or more of them, shall 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 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 where such Officer or other Person shall reside, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as 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 of the Offences aforesaid, such Justice or Justices shall commit

Trustees may appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender, until Payment or Compoſition made.

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, are hereby impowered to make.)

Treaſurer to give Security.

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.

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

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.

Surveyors may dig Gravel, &c.

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, Common, or Wood, in any Pariſh, Town, or Place, in, adjoining to, or lying near, the Road aforeſaid, to be uſed in repairing the ſaid Road, 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 ſuch Quantities of Materials ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſte, Common, or Wood, then, and in ſuch Caſes, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and ſufficient for that Purpoſe, in, upon,

without paying for the ſame; levelling the Pits.

Materials may be taken from private Grounds;

or

or out of, and from, any River or Brook, or the Lands or Grounds of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying, or offering to pay, to 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 Seven 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 Fourteen 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; and the Judgement or Order of the Justices therein, shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

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 Road; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across, the said Road, 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 Road, 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 Road hereby intended to be repaired (not being the Scite 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

Surveyors may make Causeways, &c. and erect Bridges, &c.

and make a temporary Road;

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.

Surveyors may remove Annoyances, &c.

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 Road, and to cut down Trees or Bushes growing in the said Road; 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 Fourteen 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 Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the 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 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 neglecting the same after Notice.

Penalty of a Second Offence.

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

And be it further enacted, That if any Person or Persons, who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after

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 or Owners thereof, upon Demand, after all Charges paid.

after Notice given for that Purpose,

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

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 Road, 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 of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Road; 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.

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

And

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 Road, or through which the said Road 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 shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. impowered 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 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

Persons neglecting to treat, &c.

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, 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 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 Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall 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 enquired 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,

Damages to be assessed by a Jury.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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 Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed: And the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any 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 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 full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or 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

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

Jurors may be challenged.

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

fuse 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 herein before-mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person, for One Offence; and all such Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

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 any 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 the said 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 Rights, Property, or Interest, in the said Lands, Grounds, or Hereditaments, 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 by this Act 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, 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.

Expences of the Jury how to be borne.

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,

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

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 Road, 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 Road for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any 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 Road, 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 wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

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

and deemed a publick Highway.

Old Road may be sold.

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, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Buildings not to be injured.

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 Road hereby intended to be repaired, shall, notwithstanding this

Persons liable to do Statute-work to continue so.

this Act be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Road, in the same Manner as they or every of them hath or have heretofore usually done or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired doth 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 Road 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 any Lands, Tenements, or Hereditaments, as aforesaid, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, or 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 repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, or occupy Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged by Law and ought to do; that is to say, For every Fifty Pounds a Year they shall so rent, hold, or occupy.

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

And to the End that the said Trustees may know the Inhabitants of or Occupiers of Lands, Tenements, or Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the Road, by this Act directed to be repaired, doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyors of the Highways of and for every of the 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 at any other Meeting of the said Trustees, if thereunto required by the said Trustees,

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

stees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being affixed 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 of 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 or Occupiers shall and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver in such Lists,

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road leads, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments, in their 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 of or Occupiers of Lands, Tenements, or Hereditaments, in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the said Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places and in Manner as they shall by the Surveyor or Surveyors appointed by the said Trustees be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall for every such Neglect or Default forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant 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 other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work the Sum of One Shilling: And if any Person or Persons, who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road for the Repairs thereof, commonly called Statute-work, are found idle and negligent, or shall not properly

and on Persons not performing Statute-work.

Persons found idle to be turned off.

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 or Persons; and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject and liable to the respective Forfeitures as if he, she, or they, had neglected or refused to do or perform the said respective Day's Work.

Trustees may compound with Parishes, &c. for Statute-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 Road, and also with the several Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, 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.

Surveyors may appeal to the Quarter Sessions to proportion the 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 Road directed by this Act to be repaired doth 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 Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Eight Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices in their said Quarter Session 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 High-

ways

ways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Road, for a greater Space than Four hundred Yards, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill Stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Road 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 Road to be measured, and Mile Stones to be set up on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead: And 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 broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones.

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 Offender's 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 wherein the Offence shall be committed; which Warrant the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of any 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 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 Road, and other the Purposes of this Act: And in case sufficient Distress cannot be found, and such Penalties or 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 and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place where the Offence shall be committed, for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Session 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 reasonable 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 some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said Session, 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.

Notice of Appeal to be given.

Proceedings not removable by *Certiorari*.

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 removable 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

Distress not to be deemed unlawful for want of Form;

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, or 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 full 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 the 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 of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Proceedings to be enter'd in a Book.

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, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

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.

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

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted

Commencement and Continuance of this Act.

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.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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.

Publick Act.

FINIS.