Anno quinto

Georgii III. Regis.

An Act for continuing the Terms of several Acts, and for giving further Powers for repairing the Road leading from *Chapel on the Heath*, in the County of *Oxford*, to *Bourton on the Hill*, in the County of *Glouceſter*.



WHEREAS an act passed in the Fourth Year of the Reign of His late Majesty King George the Second, for repairing the Road from Chapel on the Heath, in the County of Oxford, to the Quarry above Bourton on the Hill, in the County of Glouceſter: And whereas an Act passed in the Seventeenth Year of the Reign of His said late Majesty, for enlarging the Term and Powers of the said first-mentioned Act, whereby the said first Act was further continued for the Term of Twenty one Years: And whereas it appears by Admeasurement of the said Road, that the same is Twelve Miles in Length: And whereas the Sum of One thousand two hundred Pounds has been borrowed and now remains due on the Credit of the said Acts; which Sum, together with the Tolls collected, have been duly applied, and great Progress has been made, but it has not been possible effectually to repair and widen the said Road,

Preamble, reciting Act 4 *Geo.* II.

and 17 *Geo.* II.

Road, nor can the same be done, and the Money so due and owing be repaid, with the Interest thereon, unless the Term of the said Acts be further continued, some other Powers granted, and the said Acts, in several Respects, made more effectual; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Terms granted by the said recited Acts made in the Fourth and Seventeenth Years of the Reign of His late Majesty King George the Second, shall be, and the same are hereby further continued from the Expiration thereof; and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters, and Things, in the said recited Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Matters, and Things whatsoever in this Act contained, shall, for the Purpose of repairing, widening, and keeping in Repair, the Road by the said Two before recited Acts directed to be repaired, take place, and shall commence from and immediately after the passing of this Act, and shall continue in Force until the Expiration of the said further Term of Twenty one Years, and to the End of the then next Session of Parliament; which said additional Term hereby created, as well as the said subsisting Term, shall be, and are hereby declared to be, subject and liable to the Payment of the said Sum of One thousand two hundred Pounds, and all Interest now due, or hereafter to grow due, thereon.

Former Acts further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That William Baker Clerk, Thomas Whatcott of Blockley, Henry Whatcott of Blockley, Thomas Wilkes of Blockley, Edward Collier of Blockley, Francis Wheatcroft of Ditchford, Richard Phillips of Ditchford, William Bricknell of Evenload, Gentlemen, shall be, and they

Trustees Names.

and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed, together with the Trustees appointed by or by virtue of the said former Acts, or either of them, Trustees for surveying, ordering, altering, turning, widening, repairing, and keeping in Repair, the said Road, and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person not being so qualified shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House known by the Sign of The White Hart in Morton in Marsh, on Tuesday the Fourth Day of June after the passing of this Act, and proceed to the Execution of this Act, and shall then, and from time to time afterwards, adjourn themselves, and meet at such House or Place within the said District, as the said Trustees, or any Five or more of them, shall think most convenient; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, or in case the Trustees at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing to be affixed upon all the Turnpikes

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

which shall be erected upon or cross the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Twenty first Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same, shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Gates or Turnpikes then standing upon the said Road at least Fourteen Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place or Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences

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

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

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

Notice to be given of another Meeting.

and the same shall be deemed, and taken to be, sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Thirteen or more of them, by Writing under their Hands and Seals, to elect one other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Fourteen Days before every such Meeting; and all Persons who shall be elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may continue or remove the Turnpikes already erected upon the said Road; and may cause to be erected any Turnpike or Turnpikes in, upon, or cross, any Part of the said Road, and also upon the Side or Sides thereof, and cross any Lane or Way leading into the same; and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike; and, from time to time, to remove or alter such Turnpikes and Toll-houses as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, or to whom the same shall be let, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the Tolls following thereat.

Tolls.

For every Coach, Berlin, Chariot, Chaise, Calash, or Chair, drawn by Six or more Horses, the Sum of One Shilling and Six Pence.

For every Coach, Berlin, Chariot, Chaise, Calash, or Chair, drawn by Four Horses, the Sum of One Shilling.

For every Coach, Berlin, Chariot, Chaise, Calash, or Chair, drawn by Two Horses, the Sum of Six Pence.

For every Chair or Chaise drawn by only One Horse, Three Pence.

For

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

For every Horse, 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 greater or lesser Number.

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods or Carriage, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining, shall and may sell the Horse or Horses, Cattle, Carriages, Goods, or Chatties, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted;

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

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

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses already erected, or to be by virtue of this Act erected, upon the said Road, and the Right and Property of the Materials provided for building or repairing the same, and of all Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees, and

the said Trustees, or any Five or more of them, are hereby authorized and impowered to dispose of, and assign to whomsoever they please, all the Waste, Sand, Rubbish, or Slush, which arises from the Wear and Use of the said Road; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take or retain or hold Possession thereof, after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Money already raised or borrowed under the Authority or upon the Credit of the said former Acts, or out of the first Monies which shall arise by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act, and shall apply the Remainder of the Money so raised from time to time in erecting and providing Turnpikes and Toll-houses, and in repairing and widening the said Road, and in defraying all other necessary Expences relating thereto, and to no other Use or Purpose whatsoever.

Trustees may lessen the Tolls,

and raise them again.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Thirteen or more of them, are hereby authorized and impowered from time to time, if they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted, and to raise the same again, so as the same do not exceed the Tolls by this Act granted, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or who at the Time of such Reduction shall have Money secured thereon, but such Reduction shall not be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Road, at least Ten Days before making such Reduction; and such Tolls so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Provided

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once at each Gate for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through each Gate or Turnpike erected or to be erected upon, near, or on the Sides of the said Road, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid Toll at each Gate as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriages through the Gate or Turnpike at which any such Toll was paid, upon producing a Note or Ticket denoting the Payment of such Toll, which Notes or Tickets the Collectors of any the said Tolls are hereby required to give gratis on Receipt of the Toll.

Persons and Things exempted from Toll.

Provided also, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going for, or returning unladen, after being laden with, or being laden only with Stones, Gravel, or other Materials for repairing the said Road, or any Highway in any of the Parishes or Townships, through or into which any Part of the said Road leads, or in any of the neighbouring Parishes; nor for any Cattle or Carriage going for, or returning unloaden, after having been loaden with, or being loaden only with Hay or Corn, or with Tythe-Hay or Tythe-Corn, in the Straw, belonging to or for the Use of any of the Inhabitants of any of the said respective Parishes or Townships (provided such Hay be the Produce of Lands occupied by such Inhabitants respectively, One Month at least before such Hay was cut or mowed) or with any Fern, Furze, or Fuel, brought out of Moreton Heath, and the Grounds adjacent, within the Parish of Moreton, for the private Use of the Parishoners only, or with Dung, Mould, Compost, or Manure, of any Nature or Kind whatsoever, to be used in manuring or improving of Land in such Parishes or Townships; nor for any Carriage or Cattle going for or passing with any Plough, Harrow, or other Implement of Husbandry only, which shall belong to any of the Inhabitants of any of the Parishes or Townships through or into which any Part of the said Road leads; nor for any Horses or other Cattle or Beasts, going to or from Water or Pasture, or unladen to be shoed; nor for any Post Horse carrying the Mail or Packet; nor for

the

the Horſes of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Perſon or Perſons travelling with any Carriage, or on Horſeback on Sundays, to their reſpective Pariſh Churches, or other Places of Divine Service within the reſpective Pariſhes where ſuch Perſon or Perſons ſhall inhabit, ſo as ſuch Perſon or Perſons return the ſame Day in the Day-time; nor for any Cattle or Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes; nor for any Coach, Landau, Berlin, Chariot, Calaſh, Chaiſe, or Chair, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Oxford or Glouceſter, during the Time of ſuch Election reſpectively, or on the Day before or Day after ſuch reſpective Election ſhall begin, or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Twenty Shillings. Penalty of making illegal Claims.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall forcibly or wilfully go or paſs with any Horſe, Beaſt, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or ſet up, without paying the Toll or Tolls by this Act directed to be paid for the ſame, or ſhall knowingly or deſignedly aſſault, interrupt, or obſtruct, any or either of the Collectors or Perſons in the collecting or receiving any or either of the ſaid Tolls, or any otherwiſe in the Execution of his or their Office or Offices of Collector or Collectors; or ſhall forge, counterfeit, or alter, or ſhall deliver to, or receive of any other Perſon or Perſons, any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage; or ſhall unload any Cattle or Carriage, or having paſſed through any of the ſaid Turnpikes, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, and draw therewith upon any Part of the ſaid Roads, ſo as to encreaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage, after the ſame ſhall have paſſed through any of the ſaid Turnpikes, with Intent to evade, or having thereby evaded the Payment of any or either of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall go or paſs with any Horſe, Beaſt, or Carriage, through or over any Land, Ground, Penalty of obſtructing Officers in their Duty, &c. Penalty on giving or receiving Tickets, &c. or taking off Horſes, &c. or unloading Goods, &c. Penalty on going through or permitting private Paſſage, &c.

Ground, or Place, lying by the Side or near to the said Road, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit, or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided, such Persons and every of them so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law; and it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that respect, to seize any Horse or Horses, Beast or Beasts, or Goods belonging to or in the Possession, or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences, and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they, shall or shall not appear before him, in the respective Penalties aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and selling the same, and of such Conviction; and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress, and Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means and in such Manner as are herein after mentioned and provided

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

to avoid Payment of the Tolls.

Penalties to be levied by Distress and Sale.

provided for the levying and recovering of Penalties and Forfeitures imposed by this Act.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Thirteen or more of them, may, and are hereby impowered, at their First or any subsequent Meeting, to borrow and take up at Interest any Sum or Sums of Money (not exceeding Two thousand four hundred Pounds, including the One thousand two hundred Pounds already raised upon the Credit of the said former Acts, and now remaining due and unpaid) upon the Credit of the Tolls payable by virtue of this Act, and to assign over and convey the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred in the said Book or Books to be kept for entering the said original Assignments; for which the Clerk or Treasurer shall be paid the Sum of One Shilling, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and

Assignments may be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

Clerk's Fee.

inspected without Fee or Reward; and after such Entry made, such Assignment and Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in such Manner, assign or transfer again, and to toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Trustees not subject to Payment of Debts contracted under this Act.

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

Trustees may lease, &c. the Tolls.

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

and

and for levying and recovering the same upon and of them.

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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

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

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands, to the said Trustees, or any Five or more of them,

Officers to account upon Oath.

them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of the said former Acts or this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in his Hands; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall be or reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Person, so refusing or neglecting, to be brought before them; and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justices are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue this Act, shall be in the Hands of such Officer or Person; such Justices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants

Officers refusing to account,

Justices to inquire into the Default,

rants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Person; and if no Goods or Chattles of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, then, and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

and levy the Balance by Distress and Sale.

For want of Distress, the the Offender to be committed.

till Payment or Composition made.

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

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

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

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

without paying for the same;

levelling the Pits, &c.

such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, Hop-yard, Meadow, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such Private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or Private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County wherein such Difference shall arise, on Ten Days Notice thereof, to be given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families, shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Road, to the Prejudice thereof, and to open, scour, cleanse, and widen, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers

Surveyors to remove Annoyances, &c.

piers of the Premisses, shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Fourteen Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and cut down, lop or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to cut down or reduce all such Hedges to the Height of Three Feet, and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood; in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove, such Trees, Shrubs, or Bushes, or reduce such Hedges, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Forty Days next after Notice in Writing given for that Purpose, to be left at the House or Place of Abode of the Owner or Occupier of the Land on which the same shall stand, under the Hands of Five of the said Trustees, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

the Owners neglecting to remove the same after Notice;

and cut down Bushes, &c.

the Charges thereof to be reimbursed to the Surveyor.

Penalty on a Second Offence.

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

Surveyors may make Causeways, &c.

and make a temporary Road;

and erect Bridges, &c.

also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto,

Making Satisfaction to the Owners.

making such Recompence to the Owners and Occupiers of the Private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground.

Penalty on obstructing Officers in their Duty.

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

Persons liable to repair the Road, to continue so.

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

Surveyors, with Consent of the Inhabitants, may compound for Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the Road by this Act intended to be repaired doth lead, and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do Three Days of such Statute-work or Duty in such Part or Parts of

the said Road as both or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor of Surveyors by virtue of this Act appointed, or either of them, shall for those Purposes direct or appoint, and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and that every Person who shall rent, hold, or occupy, any Lands, Grounds, Tenements, or Hereditaments, within the said Parishes, Hamlets, and Places, or any or either of them, of the yearly Value of Fifty Pounds, shall be deemed and adjudged to keep a Team within such respective Parish, Hamlet, or Place, for every such Fifty Pounds per Annum; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Six Days next after Notice in Writing to him or them respectively for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty in Manner above mentioned, and which of them are Labourers, or liable only to do Labourers, or any and what other Duty to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do their respective Statute-work or Duty on the said Road, at such Times and Places, and in such Manner, as according to the Powers by this Act given he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's

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

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

bourer's Duty only, the Sum of One Shilling and Six Pence; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or Principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do, within the Time or in the Manner herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver Lists.

Trustees may compound with Parishes for Statute-work.

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

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

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Five or more of them, shall think it necessary to widen or alter any Part or Parts of the Road by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way or any other Way, then it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of or near to any Part or Parts of the said Road, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Road (provided that such Part or Parts of the said Road, as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Forty Feet, including the Ditches) and to pay for the same Lands and Hereditaments by and out of the Monies to be raised by virtue of this Act, and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees, or any Five or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments,

Bodies Politick, &c. to contract for the Sale of such Lands.

ments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the said Trustees, or any Five or more of them, for the Purposes aforesaid, and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

Persons, &c. neglecting to treat,

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever, intitled to or interested in any Lands or Hereditaments, which the Trustees appointed or to be appointed by virtue of this Act, or any Five or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the Road by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them, for that Purpose made, refuse, or neglect to treat with such Trustees for the Sale of such Lands or Hereditamants, or if by reason of their or any of their Absence, or distant Residence, from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to or treated with for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place, to be specified in the said Warrant or Warrants, Precept or Precepts, respectively, to the said Sheriff, or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Eight clear Days Notice of the Time and Place of his Attendance, and the said Jurymen are hereby required to attend accordingly: And the said Trustees, or any Five or more of them, having caused Fourteen clear Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to

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

be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities of such Lands or Hereditaments, and the Time when, and Place where, the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors, on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other like Persons of the By-standers, or that may be conveniently had for the Service; and to which Jurors all Parties interested shall have their lawful Challenges: And the said Trustees, or any Five or more of them, having given the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may and are hereby impowered to send for, summon, and examine, all proper Persons, on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and, if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves and the Jury sworn concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury, being so informed, shall by their Verdict assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in charge, to inquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquest, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof: And if any such Sheriff, or his Deputy, shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premisses; or if any Juryman, so summoned as aforesaid, shall not appear, or, appearing, shall refuse to be sworn, or, if sworn, shall not find his Verdict concerning the Matters that shall be given him in

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

Jury to settle the Recompence.

Verdict of the Jury to be final.

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

in charge; or if any Witness, being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or, if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Ten Pounds. Fine to be 10*l.*

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgements of the Trustees, concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration-monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same; or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered; then, on leaving the same with the said Clerk of the Peace or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers, as the Road by this Act intended to be repaired is hereby directed so to be; and after any such new Road shall be completed, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands to which such new Road doth not lead, shall be, and are hereby vested in, and may be exchanged or sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be got for the same, and the Money arising by such Sale shall be applied in such Manner as the said Tolls are hereby directed to be applied. Lands, &c. when purchased, to be made Part of the Road; and esteemed a publick Highway. Old Road may be sold.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, Buildings, &c. not to be damaged.

shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, Hop-yard, Meadow, Planted Walk or Avenue to a House; any thing herein contained the contrary notwithstanding.

Penalty on haling Timber otherwise than upon Wheel Carriages.

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

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and they are hereby impowered and required to cause Stones or Posts to be set up on the Sides of the said Road, at the Space of One Mile distant from each other, with Inscriptions thereon denoting the Distance of each of the said Stones and Posts from some Town or Place as they shall think fit, and also to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully break or pull down, dig up, or damage the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures or Marks that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety (after replacing or repairing the respective Stones or Posts that shall be removed or damaged) shall be applied in such Manner, and for such Purposes as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalty on defacing Mile-stones, &c.

And

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

Penalties and Forfeitures how to be recovered and applied.

County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize until the said Penalties or Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition to them, and which said Composition the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and, upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges.

Application of the Monies.

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided nevertheless, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing done by virtue or in pursuance of this Act (and for which no particular Method of Relief hath been already prescribed or appointed) such Person or Persons may, within the Space of Four Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein the Offence was committed (he, she, or they causing Eight entire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Clerk or Treasurer for the time being to the said Trustees, or to some or One of the Receivers or Collectors of the said Tolls, or Surveyors of the said Road; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Division, or Place, with sufficient Surety conditioned to try such Appeal at, and abide the Order or Judgement of, and pay such Costs as shall be awarded by such Justices at such Quarter Sessions) which said Justices, at their said Sessions, or the major Part of them, upon due Proof of such Notice being given, and of entering into such Recognizance as aforesaid, shall, and are hereby directed to proceed in, hear, and determine, the Causes and Matters of such Appeals, and every of them, and shall give such

Eight Days Notice of Appeal to be given.

Relief

Relief and Costs to the Parties appealing or appealed against, as they, or the major Part of them, in their Discretion, shall judge proper and reasonable; and their Judgements and Orders therein shall be final and conclusive to all Parties concerned.

Proceedings not to be quashed for want of Form,

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

or removeable by *Certiorari*.

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

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings of the Trustees to be done, made, or had by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees, kept for those Purposes, and that no Act or Order shall be done or made by any of the said Trustees, except at a publick Meeting of them the said Trustees to be held in pursuance of this Act, and such Acts, Orders, Accounts, and Proceedings so entered shall be signed by the said Clerk or Clerks, and, being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, relating to the Execution or in pursuance of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons for any thing done or to be done by virtue of this Act, until after Eight clear Days Notice thereof, in Writing, shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County where the Cause of such Action shall arise; and

General Issue. the Defendant or Defendants therein may plead the General Issue thereto, and give this Act and the Special Matter in Evidence, and that the same was done by virtue hereof; and if, on the Trial of such Action, it shall appear that the same was brought before the Expiration of Eight clear Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall arise; or if such Action shall be brought or laid in any other County than as aforesaid; or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, the Treble Costs. Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

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

nor the Parties distraining deemed Trespassers *ab initio*.

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

FINIS.