Anno ſexto

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road leading from *Tunbridge Wells*, in the County of *Kent*, to the Croſs Ways near *Maresfield Street*, in the County of *Suſſex*.

WHEREAS the Road leading from Tunbridge Wells, by Langtington Green and Groombridge, in the County of Kent, by Leigh Green and Frayers Gate, in the Pariſh of Withyam; and by King's Standing and Duddleſwell, in the Pariſh of Buxtead, to the Croſs Ways near Maresfield Street, in the County of Suſſex, is in a ruinous Condition, narrow in many Places, and dangerous to Paſſengers, and cannot be effectually repaired, widened, and kept in Repair, 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 Preamble.

Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir Jeffery Amhurſt Knight, John Auſten, Francis Auſten, John Apſley, Eſquires; the Reverend Robert Auſten, John Amhurſt, Thomas Andrews, Thomas Auſten, John Avis, William Attree, Gentlemen; Sir Philip Boteler, Sir Brooke Bridges, Baronets; Sir John Bridger Knight, John Butler, William Burrell, William Board, Charles Blunt, Peter Burrell, Thomas Beſt, Leonard Bartholomew, Francis Brooke, Joſeph Brooke, William Bowen, Sackville Bale, Eſquires; the Reverend Charles Bowles, the Reverend Joſeph Butler, the Reverend Thomas Barker, the Reverend Sackvill Spencer Bale, the Reverend Robert Audley Britain, the Reverend Michael Baynes of Fletching, the Reverend William Baynes of Newick, Bale, William Bowen, John Barton, Thomas Barton, Robert Burges, Daniel Beard, Edward Budgen, William Baker, Walter Batchelor, Gentlemen; Thomas Chowne, Joſeph Calverley, Henry Campion, William Champnies, Henry Champnies, John Children, George Children, Alexander Courthop, Jonathan Chilwell, George Courthop, Eſquires; the Reverend Roger Chalice, Samuel Caldecott, Peter Cole, John Cole, John Colgate, William Camfield, William Camfield the younger, Henry Crundwell, Thomas Camfield, Nicholas Coppard, Gentlemen; Sir John Dixon Dyke Baronet, Samuel Durrant, William Dormer, William Daniel, William Daliſon, Eſquires; the Reverend Thomas Davis, the Reverend Thomas Daliſon, William Dudgen, William Day, Gentlemen; William Evelyn Eſquire, John Eldridge, William Eldridge, James Eldridge, Chriſtopher Eldridge, Gentlemen; the Honourable Robert Fairfax, Sir Charles Farnaby, Sir John Filmer, Baronets; Roſe Fuller, Stephen Fuller, John Fuller, John Mares Fagge, Edmund Ferrers, Eſquires; the Reverend William Fitzherbert, Henry Freeman Gentleman, the Right Honourable Lord Viſcount Gage in the Kingdom of Ireland, the Honourable Colonel Thomas Gage, William Glanvill, Francis Geary, William Geary, Eſquires; Thomas Geere Gentleman, Sir John Honywood Baronet, Thomas Hay, Henry Humphery, Nicholas Haddock, Benjamin Hubble, Thomas Harvey, John Hooker, Lanceſot Harriſon, Eſquires; the Reverend Daniel Hill, the Reverend Henry Harper, Stephen Hooker, Iden Henham, Thomas Hooker, John Hooker the younger, George Hooker, William Hardwick, Martin Hoath, Gentlemen; John Jolliffe

Truſtees Names.

Jolliffe Eſquire, William James Gentleman, Sir George Kelley Knight, William Kempe Eſquire, the Reverend James Kearſley, Robert Kenward Gentleman, the Reverend Doctor James Luck, the Reverend Daniel Le Pla, the Reverend Henry Luſhington, the Reverend George Lillington, the Reverend William Loyd, George Medley Eſquire, Charles Milner M. D. the Reverend Henry Michell, William Michell, James Michell, William Mugridge, Samuel Mills, Richard Maſter, Thomas Mills, Thomas Miller, John Madgwick, Gentlemen; Arnold Neſbitt, Nathaniel Newnham, William Newnham, John Newnham, George Lewis Newnham, Thomas Newnham, Nathaniel Newnham junior, William Newton, Eſquires; the Reverend George Newton, John Newington, James Norris, Gentlemen; Sir Henry Poole Baronet, Thomas Pelham of Stanmer, John Pelham, Henry Pelham, William Poole, William Philips, Ralph Petley, Charles Petley, Thomas Smith Panuwell, William Parry, William Pearce of Horſtead Keyns, Eſquires; the Reverend John Potter D. D. William Payne Gentleman, Richard Rideout Eſquire, the Reverend John Rideout, the Reverend Richard Ruſſell, John Ridge, William Ruſſell, Richard Round, Gentlemen; the Right Honourable George Sackville Eſquire, commonly called Lord George Sackville; Sir Thomas Style, Sir Thomas Stapleton, Baronets; Thomas Sergiſon, Luke Spence, Henry Shelley, Elfred Staples, Richard Shadwell, Charles Style, William Selby, Charles Stewart, Thomas Streatfield, Eſquires; the Reverend Robert Style, William Shadwell, John Snaſhall, Robert Simmons, John Smith, Algernon Sidney, John Slatter, Robert Saxby, Thomas Scoones, John Streatfield, Joſeph Spencer, John Smith of Maresfield, Gentlemen; Sir William Twiſden, Sir Roger Twiſden, Baronets; Roger Twiſden, William Twiſden, Thomas Twiſden, John Papillon Twiſden, Eſquires; the Reverend Johnſon Towers, Thomas Tourle, Thomas Tourle the younger, Gentlemen; the Honourable George Venables Vernon Eſquire, Sir Whiſtler Webſter, Sir Thomas Spencer Wilſon, Baronets; the Honourable Lewis Monſon Watſon, Charles Whitworth, Nicholas Weller, Eſquires; the Reverend Hopton Williams, the Reverend Francis Woodgate, Henry Woodgate, George Walter, William Walter, John Whitaker, John Woodgate of Tunbridge, Thomas Whiffin, John Woodgate of Stonewall, William Woodgate, William Wells, Edward Willett, and William Weſton, Gentlemen, and their Succeſſors, to be appointed in Manner

ner 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, or 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, or intitled unto, 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 or 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 if not qualified.

Times and Places 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 William Gibbs, known by the Sign of the Crown in Groombridge aforesaid, on the Twenty eighth Day next after the Day of the passing of this Act, and shall proceed to the Execution of this Act, and shall then and at all subsequent Meetings adjourn themselves, from time to time, to such Times and Places in or near the said Road so to be repaired, 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 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 such 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

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

foꝛe ſuch Meeting; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences. Truſtees to defray their own Expences.

Pꝛovided always, That Two Truſtees ſhall be ſufficien foꝛ the Purpoſe of Adjournment.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee under the Authoꝛity of this Act, who ſhall hold any Place of Pꝛoſit ariſing out of the Tolls hereby granted. Truſtees not to accept of a Place of Profit under this Act.

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

And be it further enacted, That as often as any of the ſaid Truſtees ſhall die oꝛ refuſe to act, it ſhall be lawful foꝛ the ſuꝛviving oꝛ remaining Truſtees, oꝛ any Seven oꝛ moꝛe of them, under their Hands and Seals, to appoint another Truſtee in the Room of ſuch Truſtee ſo dying oꝛ refuſing to act; and Notice of the Time and Pꝛace of Meeting foꝛ 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 Fifteen Days befoꝛe the Meeting foꝛ 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. On Death or Removal of Truſtees, others to be choſen. Notice of Election to be given.

And be it further enacted, That the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, ſhall and may cauſe One oꝛ moꝛe Gate oꝛ Gates, Turnpike oꝛ Turnpikes, to be erected in, upon, and acroſs, ſuch Part and Parts of the ſaid Road, as the ſaid Truſtees ſhall think pꝛoper, and ſhall and may erect oꝛ pꝛovide a Toll-houſe to each of the ſaid Gates oꝛ Turnpikes; and ſhall and may cauſe to be demanded and taken at the ſaid Gate oꝛ Gates, Turnpike oꝛ Turnpikes, the following Tolls oꝛ Duties befoꝛe any Carriage oꝛ Cattle ſhall be permitted to paſs thꝛough the ſame; that is to ſay, Truſtees may erect Turnpikes and Toll-houſes, &c. and take the following Tolls thereat.

Foꝛ every Carriage whatſoever dꝛawn upon Four Wheels, the Sum of One Shilling. The Tolls.

Foꝛ every Carriage dꝛawn upon Two Wheels, the Sum of Six Pence.

Foꝛ every Hoꝛſe, Mare, oꝛ Gelding, laden oꝛ unladen, and not dꝛawing, the Sum of Two Pence.

Foꝛ

For every Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

And for every Carriage whatsoever laden with Timber, Guns, or Coal, between the Tenth Day of October and the Fifth Day of April in every Year during the Continuance of this Act, the Sum of One Shilling, over and above the respective Sums of Money before mentioned.

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 to 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 Five or more of them, to cause to be erected One or more Bar or Bars, Gate or Gates, Fence or Fences, 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, and also such other Fence or

Trustees may erect Sidegates, &c.

Fences

Fences as they shall think necessary, 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. and take Tolls thereat.

Provided always, and be it further enacted, That no Person having paid the Toll by this Act granted, at any Gate or Turnpike to be erected by virtue of this Act, shall be subject or liable the same Day to the Payment of any Toll or Duty for passing with the same Carriage or Cattle through any other Gate or Turnpike to be erected by virtue hereof. Tolls to be paid but Once a Day.

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. Property of Turnpikes, &c. vested in the Trustees.

Provided always, That no Gate or Turnpike shall be erected at or within the Distance of One Mile of the Cross Ways near Maresfield Street aforesaid. Proviso.

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. Application of the Monies.

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 Carriage or Cattle 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 Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, upon One Month's Notice to be given in Writing under the Hand of the Clerk to the said Trustees, to be affixed on all the Turnpikes to be erected by virtue of this Act, 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 for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Nine or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid for any Carriage laden with Materials for repairing any Road or Highway, in any Parish or Place through which the said Road leads; or for any Hay or Corn in Time of Harvest carrying to the Barns of the Proprietors; or for any Corn in Straw, Hay, or Straw, to be laid up or housed in any Barns or Outhouses, or

upon

upon the Lands and Premisses of and belonging to any of the Inhabitants of the respective Parishes in which the said Road doth lie (except such Corn, Hay, or Straw, be sold or for Sale); or for any Ploughs, Harrows, or other Implement of Husbandry; or for any Lime, Dung, Mould, Compost, or other Materials, to be used in amending or manuring of Land; nor shall any of the Tolls or Duties hereby laid, be demanded or taken from any Person or Persons residing in the said Parishes in which the said Road lies, who shall pass through any of the said Turnpikes to and from Church, Chapel, or other Places of religious Worship on Sundays; nor for any Horses, Mares, Geldings, or other Cattle or Beasts, going to or returning from Water or Pasture, belonging to any of the Inhabitants of the Parishes in which the said Road lies; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons, attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Tolls to be paid as aforesaid

Provided always, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament, for the Counties of Kent or Sussex, or on the Day before or on the Day after such Election; any thing herein contained to the contrary notwithstanding.

No Toll on Election Days.

Provided also, That if any Person shall claim and take 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 of making illegal Claims.

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 Carriage; or if any Person shall, with any Cattle or Carriage, pass through any such Gate, Passage, or private Way, in order to avoid the Payment of any Tolls hereby granted; or if any Person shall give to, or receive from any Person,

Penalty on passing thro' private Passages, &c.

Penalty on giving or receiving Tickets, &c. to avoid paying the Tolls.

son, 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 or Carriage, 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 on 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 of this Act 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.

Assignments may be transferred.

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

Notice to be given of borrowing Money.

Provided always, and it is hereby further enacted and declared, That no Money shall be borrowed upon the Credit of this Act by the said Trustees after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be by Order of the said Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

And

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 Enquiry 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 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

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath,

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender, until Payment or Composition be made.

making Satisfaction to the Owners.

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.

Victuallers not to have 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. in Waste Grounds,

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, or out of, or from any River or Brook, Waste, Common, or Wood, on 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;

Surveyors may make Cause-ways, &c.

without paying for the same;

levelling the Pits.

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

and if such Quantities of Materials as are 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, 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, Nursery, planted Walk or Walks, or Avenue to a House) they the said Surveyors, or other Person or Persons, paying or offering

making Satisfaction to the Owners.

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.

Surveyors may make Causeways, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is, and are hereby authorized and impowered to make, or cause to be made, Causeways, in or along the Sides of any Part or Parts of the said 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 cross, 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 Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House), to be made use of by all Passengers with Carriages and Cattle or otherwise, as a publick Highway, whilst the old, narrow, or ruinous, Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the

making Satisfaction to the Owners.

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.

Surveyor 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, lop, or top, any 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, lop, or top, 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.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

Penalty of a second Offence.

Owners neglecting to scour their Watercourses, after Notice,

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 Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her,

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.

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

And be it further enacted, That it shall be lawful for 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

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

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.

Persons neglecting to treat, &c.

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,

Grounds, or Hereditaments, so to be taken in and added to the said Road, 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 inquired 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 inquired 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,

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

session, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons, under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons, any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County, wherein such Lands, Grounds, or Hereditaments, shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the 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

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

Jurors may be challenged.

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

true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn, and give Evidence; and from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty 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 all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said 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 completed, the Lands and Grounds comprised 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 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

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

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

and esteemed a publick Highway.

Old Road may be sold.

Application of Monies.

P

good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, 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.

Expences of the Jury how to be borne.

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 any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, in any such Lands, Grounds, or Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to and offered by the said Trustees, 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.

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 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, or 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 Works; 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 or Persons respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorised shall direct or appoint; and that every Inhabitant of, and Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team for every such yearly Value of Fifty Pounds he or they shall so rent, hold, or occupy, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Inhabitants to do Statute-work.

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

And, to the End that the said Trustees may know the Inhabitants of, and Occupiers of, Lands, Tenements, and 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

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

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 oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants 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 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, and 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 Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein aftermentioned; 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

Penalty on Persons not performing Statute-work.

being

being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Six Pence: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, 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 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.

Persons found idle to be turned off.

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.

Trustees may compound for Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said 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 Ten Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appoint-

Surveyors may appeal to the Quarter Session to proportion the Statute-work.

ment; 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 Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Penalty on drawing Timber otherwise than upon 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, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel-carriages, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said 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 if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones 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 Five Pounds for each Stone 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

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 therewise 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 House of Correction 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 to be removed 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 removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress

Distress not to be deemed unlawful for want of Form;

Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

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

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

Proceedings to be entered in Books.

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.

Writings to be without Stamps.

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

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

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

Trustees, unless Seven Trustees shall be then present, and consenting thereto.

Commencement and Continuance of this Act.

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

Limitation of Actions.

And be it further enacted, That 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 Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.