Anno ſexto

Georgii III. Regis.

An Act for repairing the Road from the Turnpike at *Tunbridge Wells*, in the County of *Kent*, to *Ringles Croſs*, near *Uckfield*, in the County of *Suſſex*.

WHEREAS the Road leading from the Tunbridge Turnpike, at Tunbridge Wells, in the County of Kent, to a Place called Roper's Gate, in the Pariſh of Frant, otherwiſe Fant, in the County of Suſſex; and from thence, through Erridge Green and Boarſhead Street, to Crowborough Gate; and from thence, through Poundgate Lane and Five Aſhen Down, to Ringles Croſs, near the Town of Uckfield, in the ſaid County of Suſſex, is in a ruinous Condition, narrow in many Places, and dangerous to Paſſengers, and cannot be effectually repaired, widened, and rendered commodious, by the preſent Methods provided by Law: Preamble.

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, That William Aſhburnham, John Alchorne, Richard Arnold, William Attree, the Reverend Robert Auſten, and the Reverend William Allen, Clerks; John Butler, the Honourable James Brudenell, John Burgoyne, John Briſtowe, John Bentick, John Burges, Sir Brook Bridges Baronet, Sir John Bridger, and Sir Piercy Brett, Knights; Samuel Baker, Thomas Beſt, John Baker, Edward Budgen, the Reverend Sackville Spencer Bale, the Reverend Michael Baynes, and the Reverend William Baynes, Clerks; the Right Honourable Henry Lord Viſcount Conyngham, of the Kingdom of Ireland; Sir Samuel Corniſh, and Sir George Colebrooke, Baronets; Grey Cooper, George Courthop, George Courthop junior, Alexander Courthop, Thomas Chowne, Henry Courthop Campion, William Camfield, Joſeph Calverley, Edmund Catt, Stephen Cooke, William Clarke D. D. the Reverend Henry Courthop, and the Reverend Roger Challice, Clerks; Sir John Dixon Dyke, Sir Edward Dering, Baronets; Samuel Daſh, Samuel Durrant, William Durrant, Robert Durrant, Anſell Day, John Duplock, Richard Dungate, Thomas Hewett Dungate, James Dalrymple, Thomas Dennett, the Reverend William Delves, and the Reverend Thomas Davis, Clerks; William Evelyn, the Honourable Robert Fairfax, Sir Charles Frederick Knight of the Bath, Sir Charles Farnaby Baronet, Roſe Fuller, Stephen Fuller, John Fuller of Lewes, Thomas Fuller, John Fuller the younger, of Lewes; John Fuller of Heathfield, Richard Fuller, John Fuller of Uckfield, John Meeres Fagge, Thomas Fowle, Edmund Ferrers, the Reverend James Fulthorpe Clerk, the Right Honourable William Hall Lord Viſcount Gage in the Kingdom of Ireland, the Honourable Thomas Gage, Bamber Gaſcoigne, William Glanville, Sir Charles Hardy Knight of the Bath, George Hay Doctor of Laws, Thomas Orby Hunter, Henry Humphery, Peter Holford, Thomas Hay, Launcelot Harriſon, Edward Hawes, Richard Hill, Richard Hart, Hoadley D. D. John Irwin, Thomas Jackſon, Henry Jackſon, John James, the Reverend John Hubberſty Clerk, Sir George Kelley Knight, William Kempe, Thomas Knight, the Right Honourable George Henry Lenox, commonly called Lord George Lenox,

Truſtees Names.

Lenox; the most honourable John Marquis of Lorne, John Lockyer, the Reverend Daniel Lepla, the Reverend Henry Lushington, and the Reverend William Lloyd, Clerks; the Right honourable John Earl of Meauxborough in the Kingdom of Ireland, George Medley, William Michell, James Michell, Richard Mills, Thomas Moon, Thomas Moon junior, John Moon, William Michelbourne, Thomas Maynard, John Madgwick, the Reverend Henry Michell, and the Reverend Robert Margerison, Clerks; John Margerison, Newnham of Maresfield, Nathaniel Newnham, Arnold Nesbitt, William Nutt, John Norris junior, William Northey, William Newton, Anthony Nott, Thomas Nott, Sergison Nott, the Reverend George Newton Clerk, Edward Oliver, the Right honourable Thomas Pelham, Sir Lionel Pilkington Baronet, Sir James Peachy Baronet, Sir Henry Poole Baronet, William Plumer, John Page, Robert Pratt, John Pelham, Henry Pelham, Ferdinando Poole, William Poole, Edward Poole D. D. John Pratt, Thomas Smith Panuwell, James Parke, William Peckham, John Pettit, John Potter D. D. the Reverend Thomas Porter Clerk, Richard Rideout, the Reverend John Rideout Clerk, John Ridge, the Right honourable George Sackville, commonly called Lord George Sackville; the Right honourable Sir Thomas Sewell Knight, Sir Thomas Smith, Sir Thomas Style, Sir Thomas Stapleton, Baronets; Thomas Sergison, Elfred Staples, Luke Spence, Henry Shelley, Richard Beard Streatfield, Thomas Streatfield, John Shore, Richard Shadwell, John Smith, John Smith junior, Josias Smith, William Smith, Thomas Stone, David Stone, Richard Stone, William Shadwell, Edmund Simmonds, Thomas Solomon, Sir William Twisden, Sir Robert Twisden, Baronets; John Thomlinson, William Tatton D. D. Richard Tidy, Thomas Tourle, John Thatcher, the honourable George Venables Vernon, the Right honourable Edward Earl of Winterton in the Kingdom of Ireland, the honourable Monson Lewis Watson, Sir Whistler Webster, Sir Thomas Spencer Wilson, Baronets; Francis Warden, Thomas Willard, John Whapham, Abraham Whapham, Edward Willett, John Woodgate, the Reverend Hopton Williams, the Reverend Francis Woodgate, the Reverend Francis Warnford, the Reverend William Woodward, the Reverend Joseph Wright, and the Reverend Thomas Wharton, Clerks; the honourable Sir Joseph Yorke Knight of the Bath, John Young, and John Sands Young, and their Successors,

to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds; or possessed of, 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 and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Waget 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.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Thomas Budd, known by the Sign of The Maidenhead, in the Town of Uckfield, on the Second Day of June next after the Day of passing 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 the Gate of

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Turnpike then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences. Trustees to defray their own Expences.

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

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

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

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

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause One Gate or Turnpike, and no more, to be erected in, upon, and across, such Part and Parts of the said Road as the said Trustees shall think proper, and shall and may erect or provide a Toll-house to such Gate or Turnpike; and shall and may, at any Time or Times during the Continuance of this Act, as often as they shall see Occasion, take away and remove, or cause to be taken away and removed, such Gate or Turnpike, and Toll-house, from the Place where the same shall be so erected, and erect the same on any other Spot or Place, in, upon, or across, the said Road, they shall think fit; and shall and may cause to be demanded and taken at the said Gate or Turnpike, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses and take Tolls thereat.

For

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Six Pence.

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

For every Horse, Mare, Gelding, Mule, or other Beast of Burthen (Asses excepted) laden or unladen, and not drawing, the Sum of Two Pence.

And for every Ass laden or unladen, and not drawing, the Sum of One Penny.

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

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

And for every Carriage laden with Timber, Wood, Faggots, Hop-poles, Chalk, Lime, Marle, Bricks, Tile, Mine, Charcoal, Seacoal, Iron Guns, or other Iron, passing through the said Gate or Turnpike, between the Tenth Day of October and the First Day of May, Double the Tolls herein before granted for the passing of any such Carriage through the said Gate or Turnpike.

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, neglect or refuse to pay the same, it shall and may 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

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Toll

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. 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, and Toll-house or Toll-houses, on the Side or Sides of the said Road, or upon, in, or across, any Lane or Way leading into the same, to prevent Persons evading the Payment of the Tolls hereby granted, and there to cause to be taken and levied such Tolls as are by this Act made payable at the Gate or Turnpike erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person passing through the said Gate or Turnpike erected by virtue of this Act: Provided that no Side-gate or Bar shall be erected further from any Cross-gate to be erected by virtue of this Act, than One hundred and fifty Yards; provided also, that no Cross-gate shall be erected within Two Miles of Tunbridge Wells aforesaid; and provided also, that no such Cross-gate shall be erected in, upon, or across, the Highway or great Road leading from Tunbridge Wells aforesaid, to Wadhurst in the said County of Sussex. Trustees may erect Side-gates, &c. and take Tolls thereat, so as the same do not extend to a Double Charge.

And be it further enacted, That the said Gate or Turnpike, Side-gates, and Toll-house or 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, Toll-house or Toll-houses, or any Side-gate which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall Turnpikes and Toll-houses vested in Trustees.

be built or consist, or any of the Materials which shall be provided for the repairing of the said Road.

Application of the Monies.

And be it further enacted, That out of the first Money arising by the Tolls hereby granted, or out of such Monies 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 the Gate or Turnpike, and Toll-house or Toll-houses, and Side-gates, 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.

This Act not to extend to the Repair of Pavements, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees to lay out or apply any of the Money to be raised by virtue of this Act, in paving or repairing the Pavements of any Streets or Ways, or any Bridge or Bridges, existing at the Time of passing this Act; but such Streets or Ways, and Bridge or Bridges, shall continue to be repaired and kept in Repair, by the same Ways and Means, whereby the same heretofore have or ought to have been repaired.

Trustees 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.

No more than Three Tolls to be taken the same Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle of any Sort or Species, through the Gate or Turnpike, or any Side-gate 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 said 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;

Toll; but if any Person or Persons shall pass the same Day through the said Gate or Turnpike, or any Side-gate, a Third Time with any Carriage whatsoever, then, such Person or Persons shall be liable and compellable again to pay the said Toll or Duty hereby imposed on such respective Carriage, and to receive another Note or Ticket (which the Collector and Collectors is and are hereby required to deliver as aforesaid) which shall intitle him or them to return through the same Gate, with the same Carriage, upon the same Day, Once more, Toll-free, and so toties quoties for every Third Time the same Person or Persons shall pass the same Day through the same Gate or Turnpike, or Side-gate, with the said Carriage as aforesaid.

Trusteees may lett, &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 the Turnpike 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.

Exemption from Tolls.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid, for any 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 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 Implements of Husbandry, or for any Hop-poles, which shall grow and be used in the Parishes in which the said Road doth lie (except the same be sold or for Sale) or

for

for any Dung, Mould, Marle, Compost, or other Materials, to be used in amending or manuring of Land (except Chalk or Lime) 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 the said Turnpike 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, nor 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.

No Toll on Election Days.

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

Penalty on making illegal Claims.

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 on permitting private Passage, &c.

And be it further enacted, That if any Person occupying any Land near to the Gate or Turnpike, or any Side-gate, 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; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of the Gate or Turnpike, or any Side-gate, erected by virtue of this Act, in order

or taking off Horses, &c. to avoid Payment of the Tolls.

to avoid the Payment of any Tolls hereby granted; or if any Person shall give to, or receive from, any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through such Gate or Turnpike, or Side-gate, 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.

Tolls may be assigned for Money borrowed.

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 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 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 Sum or 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 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 on 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 the Turnpike erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees to appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

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

Officers refusing to account,

Justices may enquire into the Default,

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

and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Treasurers to give Security.

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

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

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

Surveyors may dig Gravel, &c.

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is and are hereby authorized and impowered, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste, Common, or Wood, in any Parish, Town, or Place, in, adjoining to, or laying near, the Road aforesaid, to be used in repairing the said Road, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done: And if such Quantities of Materials 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

without paying for the same; levelling the Pits:

If sufficient Materials cannot be there found, they may take them from private Grounds,

Lands

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 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,

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Road; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across, the said Road, or any Part thereof; and to cut, or cause to be cut, any Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired (not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any

erect Bridges,

and make a temporary Road;

any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Seven or more of them, shall seem reasonable.

making Satisfaction to the Owners.

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 the 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.

Surveyors may remove Annoyances, &c.

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.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain,

Owners neglecting to scour their Watercourses after Notice,

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, 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.

Bodies Politick may treat for the Sale of their Lands

Trustees may contract for the Purchase of Lands laid into the Road.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Road, for the better Accommodation of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Road; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between

tween such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

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

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 of

Persons neglecting to treat, &c.

Places

Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said 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 enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road, or turning such Road into or through any such Lands, Grounds, or Hereditaments: And in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition

tion of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination to be had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; And all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so adjudged 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

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

Jurors may be challenged.

Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty 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.*

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, and 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 or Conveyances to be made

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

and deemed a publick Highway.

Old Road may be sold.

of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. 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, of 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.

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

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the 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 Work, and shall and are hereby required to do and perform such and so many Days Works 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 authorized shall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, or Hereditaments, in the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, 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.

Inhabitants to do Statute-work.

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

And,

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 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 the Turnpike erected by virtue of this Act, to deliver 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, and do not, or by this Act are not deemed to keep a Team or Teams.

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

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 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,

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

rupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and 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 Days Work.

Labourers 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 with Parishes, &c. for Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired doth lie,

Justices to proportion the Statute-work.

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 Appointment; and the Justices, in their said Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the 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 up, 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 Forty Shillings for each Stone so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered.

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

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

And

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party 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.

Proceedings not to be quashed for want of Form;

not removable by *Certiorari*.

Distress not to be deemed unlawful for want of Form;

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

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

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

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Proceedings to be entered in a Book.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, 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

Writings to be without Stamps.

any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless 7 Trustees be present.

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

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and after the passing 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

General Issue.

ants 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. Treble Costs.

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

FINIS.