Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road from the preſent Turnpike Road in the Pariſh of *Hurſley*, in the County of *Southampton*, through the Borough of *Andover*, to the Town of *Newbury*, in the County of *Berks*; and from *Newbury* to *Chilton Pond* and *Newtown River*.



WHEREAS the Roads leading from the preſent Turnpike Road in the Pariſh of Hurſley, to Andover; and from thence, through Hurſborne, Tarrant, and Stoke, in the Pariſh of Saint Mary Bourne, by a Houſe known by the Sign of The Three Legged Croſs, in the Pariſh of Crux Eaſton, in the County of Southampton, to the Town of Newbury in the County of Berks; and from the ſaid Town of Newbury, to Chilton Pond, in the ſaid County; and from the End of Bartholomew Street, in the Town of Newbury aforeſaid, to the Extremity of the ſaid County of Berks at Newtown River, are become very deep and ruinous, and, in many Places, too narrow, and cannot be ſufficiently widened, altered, repaired, and kept in Repair, by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Moſt Honourable James Brydges Eſquire, commonly called Marquiſs of Carnarvan; the Right Honourable Brownlow Bertie Eſquire, commonly called Lord Brownlow Bertie; the Bailiff, Steward, approved Men, and

Preamble.

Truſtees Names.

and Burgesses of Andover, for the time being; the Vicar of Andover for the time being; Amos Alder, John Awdry, William Andrews of Borton, John Annetts, Sir John Astley Baronet, Edward Andrews, Sir George Amyand Baronet, John Andrews, John Ambrose, James Pettit Andrews, William Andrews senior, William Andrews junior, John Archer, Joseph Arrowsmith, Richard Adnam, William Annetts, the Reverend Robert Bathurst, John Bradburne, John Brereton, Reverend John Blair, Joshua Brownjohn, the Honourable Edward Bouverie, James Bloxham, Jere. Bunny, Reverend Jonathan Butler, Robert Bird, Jacob Bunny, Reverend Joshua Barns LL. D. Reverend John Burrough, John Butcher, John Bayly, John Barns of Collingborn, James Bartlett, John Baskerville, John Brooks, Robert Bunny, Thomas Blandy, Thomas Bunny, Richard Bunny, James Burton, Reverend Burton D. D. Reverend Richard Barford, Reverend William Barford, Thomas Baker, William Bernard, Francis Butt, Robert Briftow, Thomas Bloodworth, Bernard Brocas, Richard Bailey, Richard Budd, Richard Budd junior, Lipyatt Bodman, Thomas Blandy, John Bond Blandy, Buck Bunny, John Butler, Lawrence Brown, John Bagnall, Reverend Robert Barnes, John Butcher of Boxford, Reverend Richard Brickenden D. D. John Tapps Brunsdon, James Chaundler, Robert Clarke, David Compigne, William Child, Richard Cowdray, Henry Coulthurst, Thomas Child, William Child junior, William Cooper of Mamxton, Thomas Compton, Thomas Compton junior, Harvey Combe, Samuel Cain junior, Robert Cooper, Benjamin Collins, John Cooper, Francis Collins, Richard Cotton, Charles Cornwall, Sir Villers Charnock, Thomas Cordrey, Thomas Craven, Reverend John Craven, Reverend Henry Craven, John Collett D. D. John Chute, John Clarke, John Collins, John Cowslad, Thomas Cowslad, Frederick Cowslad, John Cox, Ralph Congreve, Ferdinando Collins, Thomas Coleman, William Wiseman Clark, Timothy Denham, George Durnford, Sir Francis Blake Delaval Knight of the Bath, Robert Dowling, Clatford, Thomas Dowling, Clatford, Reverend Peter Debary, George Dewar, William Drake, John Duke, Thomas Dowling of Binley, George Drinkwater, Thomas Dennis, Thomas Dummer, Reverend Richard Davis, John Davis, Reverend William Dean, Samuel Dixon, John Dibley, James Dixon, Harry Earle, Joseph Elderton, Reverend Ellis Saint John, William Elderfield, Reverend Richard Eyre D. D. Thomas Eyre, Robert Forder, William Forder, George Foyle, Richard Floyd, William Forder, James Fitt, Reverend Thomas Fowle, Thomas Frankland,

land, William Friend, Joseph Furnell, Sir Thomas Gatehouse Knight, Edward Grace senior, Edward Grace junior, William Gosse, Sir John Griffin Griffin Knight of the Bath, Sir Bennet Gerrard Baronet, William Gilbert, Thomas Gilbert, Thomas Godwin, George Golden, Edward Gale, Jacob Grose, Thomas Gatehouse, Thomas Grace, Philip James Gibbs, Mathew Gent, Gainsford Gibbs, Adam Gouldney, John Gaby, Edward Goddard, John Gawen, Jeffery Gawen, John Garrod, George Woodward Grove, Joseph Gray, Christopher Griffith, Reverend John Gabriel, Sir Thomas Heathcote Baronet, Samuel Heathcote, Reverend John Hoadley LL. D. Harry Harmood, Henry Haitley, Edward Hooper, Henry Hoare, the honourable Robert Herbert, Edward Hatherell, John Harbutt, John Hattatt, the honourable and Reverend William Harley, the honourable Nicholas Herbert, Jeremiah Haynes, Andrew Goater Haynes, Reverend William Haygarth, William Hutchens, Mathew Hutchens, John Hutchens, David Hutchens, John Hales, John Holdway, Isaac Holdway, John Hillyar, William Heathcote, Peter Hawker, Holwell, Reverend John Hill, William Husley, Holt of Husbourn Tarrant, Reverend William Hillman, John Harwood, Henry Herbert, James Hayne, Sir Thomas Head Knight, James Head, Reverend Richard Head, John Head, Benjamin Head, James Head of Winterborn, John Hastree, Thomas Hawkins, Edward Hay, William Hereing, John Hornblow, David Hartley, Thomas Hulbert D. D. Richard Hatt, Thomas Henshaw, Henry Henshaw, Charles Head, Robert Hallis well, John Herbert, Henry Winchcombe Hartley, Robert Holdway, Lawrence Head, Joshua Iremonger, Joshua Iremonger junior, John Imber, George Jennings, Lascelles Iremonger, John Jennings, George Jennings, Thomas Johnson, James Jennings, Joseph Jennings, Mathew Imber, Colonel Philip Jennings, John Jones, John Jackson, George Jones, Sir Robert Long Baronet, Edmund Ludlow, Charles Le Gay, Benjamin Lethieullier, Reverend Thomas Lisle, Reverend John Lynch, John Lywood, Benjamin Light, Nicholas Lavington, Thomas Lake, Edward Lambert, James Long, Francis Lavington, Bryan Limbery, John Limbery, Thomas Lovidge, John Lansdell, Chrisostom Lansdell, William Lloyd, Thomas Littleboy, John Lynch, Cranley Kerby, Berrington King, James Kent, Samuel Kent, John Kirkby, John Kent, Reverend Thomas Kinchin, Manassah King, Ebenezar King, William King, Israel King, John Kimber, William Kimber, George Kimber, Roger Knight, Richard King, Sir Richard Mill Baronet, Carew Mildmay, John Merrill, John Monkton,

Reverend Charles Mill, Sir John Mordaunt Knight of the Bath, James Mackittrick, Joseph Mills, Thomas Martin, Sir Sidney Medows Knight, Philip Medows, William Morfet, John Matravers, Joseph Mortimer, Joseph Mortimer junior, Thomas Munday, John Mills, William Moody of Wilton, William Moody junior, Edward Montague, John Merriman, Joseph Millett, Charles Mohon, Thomas Mathews, Peter Mathews, John Mathews, Richard Mathews, Benjamin Mathews, Mark Noble, Philip Newbolt, Edward Noble, Paul Newman, Dennis Newman, John Newman, Richard Neville Neville, John Noyes, John Noyes junior, William Neale, William Noyes, Benjamin Norris, Reverend John Osborne, Lawrence Head Osgood, Henry Penton, Reverend Charles Powlett, Reverend Rice Price, Joseph Portal, William Pryor, Thomas Pryor, Nicholas Pyle, John Pollen, Reverend Gregory Parry, Thomas Pickering, George Pyle, James Poor, Thomas Pitt, Edward Poore of Salisbury, George Powlett, Edward Poore of Rushall, William Poore, John Poore, Reverend John Pyke, Philip Pulce, James Pulce, Allen Pyper, Sandamore Perry, Benjamin Peach, Paul Philips, James Poore, Reverend Barlsman Peachy, Sir Alexander Powell Knight, William Powlett, Henry James Pye, William Pointz, Reverend Michael Phillips, Reverend Thomas Penrose, Israel Pottinger, Samuel Parks, William Pendar, John Pocock, John Pottinger, Thomas Palmer, Anthony Palmer, Anthony Parsons, Thomas Parsons, Francis Page, Isaac Parsons, William Pocock, James Poor, Sir William Saint Quintin Baronet, Reverend John Ray, John Randal, Robert Ready, John Race, John Russell, John Ray, Reverend Richard Ring, Christopher Rawlinson, Jemmett Raymond, Richard Robinson, Reverend William Roman, Thomas Rogers, Richard Roberts, Rolston, George Ridge, Thomas Ridge, James Rodney, Pawlett Saint John, Edward Sheldon, Francis Swanton, Reverend Robert Shipman D. D. Reverend Richard Smith, John Stafford, Edward Shakell, Robert Stanford, James Spearing, Nicholas Purdue Smith, Roger Shipman, John Silver, Sir Simeon Stuart Baronet, George Augustus Selwyn, Reverend George Snell, Sir Harry Saint John, William Steel, William Steel junior, William Saunders, Jordan Saunders, James Smith, Reverend Joseph Simpson D. D. Reverend Henry Steel, Reverend Thomas Sheppard D. D. Thomas Sidney, William Sweetapple, Richard Stafford, Richard Soper, John Stait, Reverend Richard Smith, William Stone, Henry Skeat, Edmund Seymor, William Sloper, Reverend John Sharp, John Sheppard, Reverend Thomas Sheppard, Thomas Sheppard, Henry Sheppard,

William Sheppard, Anthony Smith, Thomas Skeats, John Smith, Richard Selwood, Francis Stonhouse, George Stonhouse, Robert Southby, Samuel Southby, Thomas Shirley, Benjamin Styles, Edward Sheppard, Thomas Self, John Self, Richard Self, John Earl Tynley, Reverend Henry Taylor, Reverend John Taylor, the Honourable Thomas Townshend, Thomas Townshend junior, William Tyrrell, Reverend Henry Taylor, Charles Taplin, Reverend Samuel Topping, John Tyler, John Thorp, Thomas Theobald, Charles Thorngate, James Tanner, Bartholomew Tipping, Samuel Toomer, John Townsend, Sir Martin Wright, Knight, the Mayor, Recorder, and Aldermen, of the City of Winton, for the time being; the Warden of Winton College for the time being, the Dean of Winton for the time being, Thomas Wool, Benjamin Woodroffe, Thomas Waldron, John Wool, James White, Joseph Whatley, Thomas Goodridge Waller, John Wickham, Richard Willis, Reverend Robert Worgan, Benjamin Worgan, Alexander Willis, William Wright, Honourable Henry Wallop, William Warne, Joseph Woods, James Wells, George Whatley, Edward Winter, John Watts, Robert Webb, Richard Willis, Joseph Willis, Reverend William White, Joseph White, Charles Wade, Charles Wade of Field House, Nicholas Wade, James Waight, Henry Wyndham, George Fort, John White, John Waight, William Woodward, Richard Yerbury, William Yalden, Arthur Vansittart, Henry Vansittart, Robert Vansittart, Richard Vokins, Joseph Vincent, Reverend John Wilks, Charles Wymondesold, Thomas Wykl, Edward Withers, Edward Withers junior, William Withers, John Whale, George White, Reverend George Watts, Nicholas Watts, John Richmond Webb, Benjamin White, George Wright, shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, widening, turning, altering, amending, and keeping in Repair, the Roads from the present Turnpike Road, in the Parish of Hursley, to Andover; and from thence, through Hursborne, Tarrant, and Stoke, in the Parish of Saint Mary Bourne, by a House known by the Name of The Three Legged Cross, in the Parish of Crux Easton, to the Town of Newbury, in the County of Berks, and for putting in Execution all other the Powers by this Act given: And that the Mayor, Steward, and Aldermen, of Newbury, for the time being; Sir George Amyand Baronet, Abraham Atkins, John Archer, Joseph Andrews, James Pettit Andrews, William Andrews senior, William Andrews junior, Joseph Arrowsmith, Richard Adnam, William Annetts, the Honourable Peregrine Bertie,

tie, John Bagnall, William Blackſtone, John Bond, John Butcher, Richard Budd ſenior, Richard Budd junior, Lipyatt Bodman, William Bodman, Reverend Robert Barnes, Richard Bailey, John Tapps Brumſdon, Thomas Blandy, Blandy, Buck Bunny, Joſeph Bunny, John Butler ſenior, John Butler junior, Wilmot Baker, Benjamin Buckler D. D. Lovelace Bigg, John Breedon, Thomas Craven, Reverend Henry Craven, Reverend John Craven, Ralph Congreve, Ferdinando Collins, John Cowſlad, Thomas Cowſlad, Frederick Cowſlad, John Clarke, John Collet M. D. Sir Archer Croft, James Chaundler, John Cox, Thomas Coleman, William Wiſeman Clark, Reverend William Deane, John Dibley, John Meggot Elves, Edward Ernle LL. D. Richard Eyre D. D. Thomas Eyre, Thomas Frankland, William Fludger, Joſeph Furnell, Chriſtopher Griffith, Reverend John Gabriel, George Woodward Grove, Honourable Robert Sawyer Herbert, Henry Herbert, John Head, Sir Thomas Head Knight, James Head, James Head of Winterborne, Reverend Richard Head, Charles Head, Benjamin Head, Richard Hatt, Thomas Henſhaw, Henry Henſhaw, John Hippiſley, John Herbert, Robert Halliwell, David Hartley, Henry Winchcombe Hartley, Thomas Hulbert, John Zephaniah Hollwell, James Hayne, Lawrence Head, John Harris, John Hazell, John James, George Jones, John Jackſon, Richard King, William King, John King, Manaſſah King, Ebenezer King, Iſrael King, William Kember, George Kember, John Kimber, John Kirkby, Roger Knight, John Lanſdell, Chryſoſtom Lanſdell, William Lloyd, John Lynch, Thomas Lovidge, Thomas Littleboy, Edward Montagu, Reverend Thomas Matthews, Peter Mathews, John Mathews, Benjamin Mathews, Charles Mahon, Millett, Richard Mathews, Benjamin Norris, Lawrence Head Oſgood, Henry James Pye, William Pointz, Reverend Thomas Peruſe, Reverend Michael Phillips, Thomas Phillips, Joſeph Portal, John Pottinger of Aſhridge, John Pottinger of Compton, John Price, Anthony Parſons, Thomas Parſons, Iſaac Parſons, Thomas Palmer, Anthony Palmer, Samuel Parks, Reverend Ralph Price, Joſeph Pococke, Thomas Pocock, William Pocock, Francis Page, Sir William Saint Quintin, Sir John Read Baronet, Reverend Robert Ready, Jemmett Raymond, John Rayer, Richard Robinſon, Seymour Richmond, Robert Southby, Samuel Southby, Richard Sellwood, John Sellwood, William Sterling, Henry Skeat, Edmund Seymour, Francis Stonhouſe, George Stonhouſe, Reverend Thomas Shirley, Reverend Thomas Shephard, Francis Sheppard, Henry Sheppard, William Sheppard, Edward Sheppard, John Sheppard, Benjamin Stiles, Henry Stiles, Anthony Smith,

Smith, Francis Spackman, William Shuff, Edward Sheckle, Sir John Stonhouse Baronet, William Stonhouse, Reverend James Stonhouse LL. D. Bartholomew Tipping, Anthony Tassell, John Townsend, Joseph Tanner, Charles Thorngate, Samuel Toomer, Arthur Vansittart, Henry Vansittart, Robert Vansittart, Richard Vokins, Charles Weymondesold, Thomas Wyld, Edward Withers senior, Edward Withers junior, William Withers, Reverend George Watts, John Whitlock, Reverend Thomas Walker, Reverend Benjamin Walker, John Whale, George White, John Wigley, John Cooke, Henry Cox, Charles Herbert, Charles Hatt, Robert Southby, Reverend Humphry Smithy, John Shirley, Reverend Thomas Woodward, and Thomas York, shall be; and they and their Successors to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, widening, turning, altering, amending, and keeping in Repair, the Roads from the Town of Newbury, in the said County of Berks, to Chilton Pond in the said County; and from the End of Bartholomew Street, in the Town of Newbury aforesaid, to the Extremity of the said County of Berks at Newtown River; and for putting in Execution all other the Powers by this Act given.

Qualification of Trustees.

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

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees for repairing the Roads from the present Turnpike Road in the Parish of Hursley to Andover, and from thence through Hursbourn Tarrant and Stoke, in the Parish of Saint Mary Bourne, by a House known by the Sign of the Three Legged Cross, in the Parish of Crux Easton, to the Town of Newbury, in the County of Berks, or any Seven or more of them, shall meet together at the White Hart in the Town of Andover, on the Day Three Weeks after passing this Act; and that the said Trustees for repairing the Roads from the Town of Newbury, in the said County of Berks, to Chilton Pond, in the said County, and from the End of Bartholomew Street in the Town of Newbury aforesaid to the Extremity of the said County of Berks at Newtown River, or any Seven or more of them, shall meet together at the Globe in the Town of Newbury, on the Day Month after the passing of this Act; and the said respective Trustees shall respectively proceed to the Execution of this Act; and shall then chuse a Clerk or Clerks for each Division, to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purposes; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places within or near the said Roads as the said respective Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And if at any Meeting, appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and to adjourn to another Day; the Clerk or Clerks to the said respective Trustees shall, from time to time, as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon or across the Roads in the said District, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, or at such other Place as the Clerk or Clerks to the said Trustees shall think convenient, at any Time not exceeding Three Weeks after the Day for which such last Meeting was appointed: And in case it shall happen that no such Adjournment shall be made at any Meeting of Five or more Trustees as aforesaid, or that no Notice or Appointment for meeting shall be given or made by the Clerk or Clerks to the said respective Trustees within Three Weeks, after such Day of Adjournment as aforesaid; then, in either of the said Cases, it shall and may be lawful, at any Time after such Omission or Neglect,

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

In case the Clerk neglects to give Notice,

Trustees may do it.

for any Five of the Trustees for either of the said respective Districts, though not assembled at a Meeting in pursuance of this Act, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads within their District, to appoint the Trustees to meet at such Place within or near the said Roads, as they the said Five Trustees shall think convenient, at any Time not sooner than Ten Days, and not exceeding Twenty one Days, after the Day on which such Notice shall be given by them and affixed upon the Turnpikes as aforesaid; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present and consenting thereto; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but that all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Order to be repealed unless Nine Trustees are present.

Trustees not to hold any Place of Profit, but may act as Justices.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees, present at any Meeting, shall be sufficient for the Purpose of Adjournment of such Meeting; and that it shall not be lawful for the Trustees, to make any Adjournment of their Meetings, for more than Eight Weeks; nor shall any Meeting of such Trustees be begun to be held before the Hour of Ten in the Forenoon, nor after Four in the Afternoon; and if any Adjournment be made, or Meeting held, otherwise than according to this Direction, such Adjournment and Meeting shall be, and the same is hereby declared to be, null and void.

Meetings not to be adjourned for more than 8 Weeks, &c.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee in either of the said respective Districts shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees for such District, or any Five or more of them, by Writing under their Hands and Seals, to elect One

On Death or Removal of Trustees, others to be chosen.

other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, removing, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, in the District for which such new Trustee is to be elected, at least Ten Days before every such Meeting; and all Persons, who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Notice of Election shall be given.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, cause to be erected on each of the said Roads in each respective District, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads within their said District, and on the Side or Sides of the said Roads, and in, upon, or across, or at the End of, any Lane or Way leading out of the same, and also a Toll-house or Toll-houses in, upon, or on the Side or Sides of, or across, the said Roads, and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken before any Cattle or Carriage shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively; that is to say,

and take the following Tolls thereat.

The Tolls.

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

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

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

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

Tolls to be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse, or other Cattle or Beast, or any Goods or Carriage, upon which

which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or neglecting to pay the same; and if such Tolls and the reasonable Charges of such Seizure and Distress, and of keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act shall be, and are hereby vested in the said respective Trustees, and shall be applied, or may be assigned in such Manner as is herein after mentioned.

Provided always, That no Person shall be liable to pay more than Two full Tolls for passing or repassing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, through all or any of the Turnpikes to be erected by virtue of this Act, upon, near, or on the Sides of, the said Road, between Hurfley aforesaid, and the White Hart Inn in Andover aforesaid, or across any Lane or Way leading into the same; nor shall pay more Toll than Once in any One Day, to be computed as aforesaid, for passing through any One of such Turnpikes; nor more than Two full Tolls in any One Day to be computed as aforesaid, for passing or repassing through all or any of the Gates or Turnpikes to be erected upon, near, or on the Sides of the Road hereby directed to be repaired, from the said White Hart Inn to the said Town of Newbury inclusive; nor shall pay more than Two full Tolls in any One Day, to be computed as aforesaid, for passing or repassing through all or any of the Gates or Turnpikes to be erected upon, near, or on the Sides of the Road hereby directed to be repaired, from the Town of Newbury to Chilton Pond; but that all and every Person and Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll-free, during such Day, to be computed as aforesaid, upon the respective Parts of the said Roads, whereon or in relation whereto such Payments or Payment respectively was or were made; which Notes or Tickets, the Col-

No more than Two full Tolls to be paid between *Hurfley* and the *White Hart* in *Andover*;

nor between the *White Hart* and *Newbury*;

nor between *Newbury* and *Chilton Pond*.

Sections of the Tolls are hereby required to give gratis on the Receipt of the Toll.

No Turnpike to be erected between *Bartholomew Street* and the Extremity of *Berks*.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike or Toll-gate (except a Side gate) shall be erected or set up on or across the Road leading from the End of Bartholomew Street, in the Town of Newbury aforesaid, to the Extremity of the County of Berks, at Newtown River aforesaid.

Certain Tolls how to be applied.

Provided always, and be it further enacted by the Authority aforesaid, That the Trustees for repairing the Road from the present Turnpike Road in the Parish of Hursley to Andover, and from thence through Hurnborne Tarrant and Stoke, in the Parish of Saint Mary Bourne, by a House known by the Name of the Three Legged Cross, in the Parish of Cruxe Easton, to the Town of Newbury in the County of Berks, shall apply the Tolls to be collected at a Gate or Turnpike to be erected at or near the Sign of the Gun in the Parish of Newbury, in the First Place to repair such Part of the said Road from Newbury to Andover, as lies in the County of Berks.

No Gate to be erected within 100 Yards of the *Gun*.

Provided always, That no Gate or Turnpike shall be erected nearer to the Town of Newbury on the South Side, than at the House called or known by the Name of the Sign of the Gun, or within the Distance of One hundred Yards from the said House.

Hurſborne Tarrant Road to be first repaired.

Provided always, and be it further enacted by the Authority aforesaid, That the Road through Hurſborne Tarrant to Andover, shall be repaired before the Road from Stoke to Andover.

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said several Gates or Turnpikes, and Toll-houses, erected or provided by virtue of this Act, and the Rights and Properties to and of the same, and the Materials of which the same shall consist, and all Materials which shall be actually got and provided by the said respective Trustees, or their respective Surveyor or Surveyors, for repairing the said Roads, shall be, and 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 or Names of any One or more of the said Trustees; 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, by virtue of this Act, be erected on any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or any

Materials

Materials which shall be provided for repairing the said Roads as aforesaid.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls, or Monies to be borrowed upon the Credit thereof, the said Trustees for repairing the Roads from the present Turnpike Road in the Parish of Hursley to Andover, and from thence through Hurstborne Tarrant and Stoke, in the Parish of Saint Mary Bourne, by the Three Legged Cross, in the Parish of Crux Easton, to the Town of Newbury, in the County of Berks, or any Five or more of them, shall, in the First Place, pay a proportional Part of the Expences incurred in and in relation to the obtaining this Act; and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads within the said District, and of executing the other Purposes of this Act, and to no other Use whatsoever, in Manner herein after mentioned; and that out of the Tolls or Monies to be borrowed upon the Credit thereof, the said Trustees for repairing the Roads from the Town of Newbury, in the said County of Berks, to Chilton Pond, in the said County, and from the End of Bartholomew Street, in the Town of Newbury aforesaid, to the Extremity of the said County of Berks at Newtown River, or any Five or more of them, shall, in the First Place, pay the Remainder of the Expence incurred in and in relation to the obtaining this Act; and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads within the said District, and of executing the other Purposes of this Act, and to no other Use or Purpose whatsoever.

Trustees may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Nine or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to vary, lessen, or reduce, all or any of the Tolls hereby granted within their respective Districts, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned, and to order and direct such Tolls, so lessened and

reduced or advanced, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such respective first Meetings, if the Person or Persons who shall be intitled to One Fourth of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall dissent thereto; and that no such Reduction shall be made, unless Twenty one Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes in the respective Districts, which shall be then erected by virtue of this Act, of the Intention to make such Reduction.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Nine or more of them, may and are hereby impowered, from time to time, as they shall see convenient, with the Consent of the Person or Persons who shall be intitled to the major Part of the Money which shall have been lent upon the Credit of the respective Tolls hereby granted, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any of them, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid yearly in Advance to the Treasurer or Treasurers of the said Roads, and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Monies shall be applied in such Manner as the Tolls in respect whereof such Composition is made are directed to be applied.

And whereas several Parts of the said Road lead over Downs, Woods, Commons, Common Fields, or Waste Grounds, and the Payment of the Tolls hereby granted may, by reason of the Width of the said Downs, Woods, Commons, or Waste Grounds, be easily avoided; be it

Trustees may fence off Downs, &c.

therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, if they see Occasion, fence and ditch off such Parts of the said Downs, Woods, Commons, Common Fields, or Waste Grounds as they shall think necessary, in order to prevent the Payment of the said Tolls or Duties being evaded.

And be it further enacted by the Authority aforesaid, That no Turnpike to be erected by virtue of this Act shall be

be taken down or removed, except by Order of Thirteen Trustees for the District in which such Turnpike shall be erected at the least, at a Meeting of the said Trustees, whereof Ten Days Notice in Writing under the Hand of the Clerk or Clerks of the said Trustees shall be given, by affixing the same on all the Turnpikes then erected on the said Roads within the said District; nor unless the Person or Persons who shall be intitled to the major Part of the Money lent on the Credit of the Tolls arising from such Turnpike or Turnpikes so to be removed, shall consent thereto. No Turnpike to be removed without Order of Trustees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied. Trustees may let, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Heath, Common, Waste, or other Place or Places, inclosed or not inclosed, adjoining to, or lying near, any of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or other Place; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect and receive the Tolls hereby made payable, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Penalty on permitting or going thro' private Passage, to avoid Payment of the Tolls.

or taking off Horses, &c.

Receivers of the said Tolls, or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage as aforesaid; or if any Person or Persons shall unload, or cause to be unloaden, any Goods or Merchandizes, whereby in any or either of the Cases aforesaid the Payment of any of the said Tolls shall be evaded; that then and in every or either of the aforesaid Cases, each and every Person so offending shall, for each and every such Offence, forfeit and pay the Sum of Three Pounds; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use, and the other Moiety thereof shall go and be applied towards the amending the said Roads.

Penalty on unloading Goods, &c.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage or Cattle going unladen to, and returning laden only with, any Materials for repairing the said Roads, or any other Highway or Road; or for any Carriages or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Roads lead; or for any Horses, Cattle, or Carriage, going with or for any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow belonging to any of the said Inhabitants; or for any Carriage or Cattle carrying any Dung, Mould, or Compost, of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land, in such Parishes or Places; or from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through any of the said Turnpikes to and from Church, Chapel, or other Place of religious Worship, on Sundays, or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the said Parishes; or for any Horses, or other Cattle, employed in the conveying of any Person or Persons going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Southampton or Berks, on the Day of such Election; or for any Post-horse or Carriage carrying the Mail or Packet; or for any Horses, Oxen, Cows, Sheep, or other Cattle, going to, or returning

ing from Pasture or Watering Places; or for the Horses of Soldiers who are upon Duty, or Waggons or Carriages attending them: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Seven or more of them, at their First or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act within their respective Districts, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and may and are hereby impowered, to assign over or mortgage the said respective Tolls, or any Part or Parts thereof, the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose. By virtue of an Act made in the [illegible] Year of the Reign of His Majesty King *George* the Third, for [illegible] we, [illegible] of the Trustees do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of [illegible] from this [illegible] Day of [illegible] in the Year of our Lord [illegible] until the said Sum of [illegible] with Interest at the Rate of [illegible] *per Centum per Annum*, shall be repaid, to such Proportion of the Tolls arising by virtue of this Act between [illegible] as the said Sum of [illegible] shall bear to the whole Sum advanced on the Credit of the same. And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the respective Clerks or Treasurers to the said respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes in or upon the Road for which such Sum of Money shall be borrowed, at least Twenty one Days before the borrowing thereof; and all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured to any Person or Persons whatsoever, by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Tolls may be assigned for Money borrowed.

Form of Assignment.

Notice to be given of borrowing Money.

Assignments may be transferred.

I do

Form of Transfer.

I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due, unto his Executors, Administrators, or Assigns. Dated this Day of

Witness G. H. J. K.

Which said Transfer or Assignment shall be produced and notified to the said respective Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said respective Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties: And in case any Sum or Sums so assigned shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the respective Person or Persons then intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignments respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another; and shall have no Preference in respect of the Priority of any such Monies.

Clerk's Fee.

And be it further enacted and declared by the Authority aforesaid, That all and every Trustee or Trustees appointed

appointed by this Act, or which shall hereafter be appointed by virtue of any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Trustee or Trustees, advance and lend any Sum or Sums of Money at Interest on the Security of the said Tolls, in such Manner as any other Person or Persons, not being a Trustee or Trustees, may, can, or shall do by means or virtue of this Act; and such Trustee or Trustees so advancing and lending such Sum or Sums of Money, shall and lawfully may accept and take a Mortgage a Mortgages, Assignment or Assignments, of the said Tolls from Seven other or more of the said Trustees, as a Security or Securities for the said Sum or Sums of Money so to be by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by Seven or more of the said Trustees, shall be effectual and binding to all Intents and Purposes whatsoever; and the Trustee or Trustees so advancing and lending such Sum or Sums, and accepting and taking such Security or Securities, shall by means and virtue thereof have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum or Sums of Money, and the Interest thereof, which any other Mortgagee or Mortgagees of the said Tolls can, may, or shall have and take by means or by virtue of this Act.

Trustees may advance Money on the Credit of the Tolls,

taking Security.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors, of the said Roads, and such other Officers within their respective Districts, as the said Trustees, or any Five or more of them, shall think necessary; and, from time to time, to remove any such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; Notice of the Time and Place of meeting for electing such others being fixed upon all the Turnpikes erected by virtue of this Act within the District for which such Election shall be appointed, at least Ten Days before such Election; And out of the Monies to arise by virtue of this Act, the said Trustees, or any Five or more of them, may make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; And all such Officers and Persons shall, under their Hands, at such Time or Times and in such Manner as the said Trustees, or any Five or more of them, shall direct,

Trustees to appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

rest, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts, in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons, respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts. And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five of more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and, upon his and their appearing, or not being to be found, to hear and

Officers refusing to account,

may be sued;

or if Complaint be made to Justices,

determine

determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act might have done. And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons; such Justice or Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively: And if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of such County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make, or until he shall deliver up such Books, Papers, and Writings, as aforesaid, and give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

they may summon Offender, and determine the Matter.

Balance may be levied by Distress and Sale.

For want of Distress, the Offenders to be committed, until Payment or Composition made.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall take such Security from their respective Treasurer or Treasurers, Receiver or Receivers, and other Officer or Officers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall appoint.

Treasurer to give Security.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the said respective Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under

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

der their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

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

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said respective Roads, or any Part of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said respective Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Chalk, Sand, Flints, Heath, Stones, Gravel, or other Materials, proper for the repairing of the said Roads, in, upon, out of, and from any Rivers or Brooks, Waste Grounds, Commons, or Downs, in any Parish, Town, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose, cannot be had or found, in or upon such Waste Grounds or Commons contiguous to that Part of the said Roads intended therewith to be repaired, then and in such Case the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees; paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground or Common, or Private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same.

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

making Satisfaction to the Owners.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

Provided always, and be it further enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been dug or gathered in any Wastes, Lands, Fields, Grounds, River, or Brook, for the Purpose of repairing the said Roads; or if any Owner or Occupier of any private Ground shall get

get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Fourteen Days, except the Owner or Occupier of such Pit or Quarry, for his private Use, and Persons authorized by such Owner or Occupier to get Materials thereout for his proper Use only, and not for Sale, every Person so offending shall forfeit, for every such Offence, the Sum of Forty Shillings.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or shall appoint, from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Six Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors, by such Owner or Occupiers, and be recovered and applied in such Manner, as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Surveyor

Surveyors may make Causeways,

or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains, in, and upon, or on the Side of the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow, or ruinous Part of the said Roads, such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees, to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any Stream, Brook, Water, Ditch, or Drain, therein or contiguous thereto; and to cut, or cause to be cut, any Watercourse or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being damaged or overflowed, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them.

and widen the narrow Parts of the Road;

erect Bridges,

making Satisfaction to the Owners.

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

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

shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for turning, widening, altering, or mending the same; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, or others, 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 by the Authority aforesaid, That it shall and may be lawful to and for all Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Committees, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, Lunaticks, 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 respective Trustees, or any Seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, 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 Feoffees in Trust, Executors, Administrators, Committees, Guardians, and Trustees, Corporations Aggregate or Sole, 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 by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Committees, Guardians, Trustees, or any other Person or Persons, interested in 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

Persons neglecting to treat, &c.

such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or into which such Roads are to be turned or altered as aforesaid, shall, by the Space of Ten 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 respective 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 in which such Lands or Grounds so to be taken in do lie (which Oaths 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, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into the same: 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 such Trustees are hereby impowered and directed 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 such other 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, Occupiers, or Proprietors 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, and Determination, so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and

Jury to settle Damages and Recompence.

Witnesses may be examined on Oath.

Successors, as well absent as present, Infants, Femes covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whomsoever: And all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, 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 in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said 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 Five 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.

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

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said respective Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, and 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 examined and give Evi-

Jurors may be challenged.

dence; 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 as 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 Use, 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 by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly 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 Clerk to the said respective Trustees, for the Use of such Persons; and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads 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

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

and deemed a publick Highway.

Old Road may be sold.

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 Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads; 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, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Paddock, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, without the Consent of the Owner or Owners thereof.

Penalty on obstructing Officers in the Discharge of their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them, or by the said respective Trustees, or any Five or more of them, for those Purposes employed in the cutting, digging, taking, or carrying, of any Furze, Heath, Stones, Gravel, Chalk, Lime-stone, Sand, Flints, or other Materials, for the altering, widening, or repairing, the said Roads, or any Part or Parts thereof, or in topping, lopping, cutting down, or removing, any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring, any Ditch, Drain, or Watercourse, or in doing any other Act, in or for the repairing, widening, or altering, the said Roads, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

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

And be it further enacted by the Authority aforesaid, 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 this Act, hath or have used,

uled, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, and such Bridge or Bridges, in the same Manner as they, or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired do lead, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work with Teams, Draughts, or otherwise, in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work; and every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum held and occupied, and shall be liable to perform such Statute-labour as Persons keeping Teams are obliged by Law to do; and all and every such Inhabitants or Persons, so deemed to keep a Team or Teams, shall and are hereby required to do and perform such and so many Days Work, in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or such Lands, Tenements, or Hereditaments, do lie, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint.

Inhabitants to do Statute-work.

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

And, to the end that the said respective Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where, or in or for which, any such Surveyors usually have been or ought to be chosen, shall, and are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March yearly, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected upon the said Roads, to deliver in to the said Trustees, at such Meeting, upon Oath (which Oath the said Trustees,

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

ſtees, or any Two or more of them, are hereby impowered to adminiſter) true and perfect Liſts in Writing, under their reſpective Hands, of the Names of all the Inhabitants of ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, that 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 ſhall, or are hereby deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by Law are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver in ſuch Liſts,

And be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places, through which the ſaid Roads lead, ſhall not deliver in to the ſaid reſpective Truſtees Liſts of the Inhabitants of their ſeveral Towns, Pariſhes, Hamlets, or Places, by 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 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 Roads, at ſuch Times and Places, and in ſuch Manners as they ſhall, by the ſaid Truſtees, or any Five or more them, or by their Surveyor or Surveyors, be directed or appointed to do, ſuch Inhabitants, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant and Perſon who ſhall keep, or by Law ſhall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or by Law not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling: And if any Perſon or Perſons who ſhall come to work as a Labourer or Labourers, or be ſent with any Team to work on the ſaid Roads, ſhall be found idle or negligent by the Turnpike Surveyor, ſuch Surveyor is hereby impowered to turn off ſuch Perſon or Perſons; and he, ſhe, and they, or the reſpective Perſon or Perſons on whoſe Behalf he, ſhe, or they, ſhall come to work on the ſaid Roads, ſhall in that Caſe be ſubject and liable to the reſpective Forfeitures and Payments before mentioned, as if he, ſhe, or they, had neglected to come, or ſuch Team had not been ſent to work on the ſaid Roads.

and on Perſons not performing Statute-work.

Labourers found idle, to be turned off.

Provided always, and be it enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five

Trustees may compound with Parishes, &c. for Statute-work.

or more of them, may, and are hereby authorized and impowered, to compound with any Person or Persons, who are to repair by reason of their Tenure, or otherwise, and with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lead, for the Repairs aforesaid, and for the several Days Statute-work, or other Work to be by him, her, or them, respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and Inhabitants respectively shall agree upon; which said Money shall be paid to the said Trustees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

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

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said respective Trustees, or their Surveyor or Surveyors, have directed and appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices, in their respective Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors to the said Trustees as aforesaid.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Trees or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Road to be measured, and Mile stones erected.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may, and are hereby authorized and impowered to cause the

said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done; every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid.

Penalty on defacing Mile-stones, &c.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (if the Manner of Levying and Recovery thereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place where the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants

Penalties and Forfeitures how to be recovered.

Overplus Money to be returned to the Owner.

rants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Goal of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalty on Constables, &c. neglecting to do their Duty.

And be it further enacted by the Authority aforesaid, That if any High Constable, Petty Constable, Headborough, Tythingman, or other Person whatsoever, duly authorized for that Purpose, shall willingly, knowingly, or contemptuously, neglect or refuse to obey and execute any Summons, Warrant, or other Precept in Writing under the Hand and Seal, or Hands and Seals, or only signed by any of the Trustees for putting this Act in Execution, or any Justice or Justices of the Peace issued out against any Offender or Offenders, for any Offence or Offences committed in Violation of this Act, or shall knowingly, wittingly, and willingly permit and suffer such Offender or Offenders to escape out of Custody, every such High Constable, Petty Constable, Headborough, Tythingman, or other Person so authorized, offending in the Premisses, shall, for each or every such Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety to the Informer, and the other Moiety thereof to the said Trustees, or to their Treasurer or Treasurers, to be applied for and towards the amending and repairing the Roads in this Act mentioned, to be levied on such Person or Persons, in the same Manner as the other Penalties and Forfeitures are in and by this Act directed to be levied; and the said Trustees, or any Five or more of them, may and are hereby impowered to direct their Treasurer for the time being to reimburse such Constable, or other Officer or Officers, for his or their Loss of Time, Trouble, or other necessary Expences in the due Execution of his or their Duty, in pursuance of this Act, such Sum or Sums of Money as such Trustees shall think fit, and out of such Tolls or Duties as shall be collected by virtue of this Act.

Form of Conviction.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

BE

BE it remembered, That on the in the Year of His Majesty's Reign, A. B. is convicted before of His Majesty's Justices of the Peace for the County aforesaid (*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*).

Given under our Hands and Seals the Day and Year aforesaid.

And whereas Doubts have been made on the Validity of Contracts entered into by Trustees appointed by Acts of Parliament, for surveying and amending Turnpike Roads, or building Bridges, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of the said Roads or Bridges, and whether such Trustees, and those acting under them, do not actually sustain any special Damages, any Damages can be recovered against Parties making Default in fulfilling such Contracts: For obviating the same, be it further enacted by the Authority aforesaid, and it is hereby declared, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the said respective Trustees hereby appointed, or hereafter to be appointed, or any Five or more of them respectively, or by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workmen or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits in the Names of the said Trustees, or any Five or more of them, or in the Name of their Clerk, Treasurer, or other Officer, may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said Road or Bridges into such Condition and Repair, or for building such Bridges, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid making Default in fulfilling his said Contract; any Law or Usage to the contrary notwithstanding.

All Contracts, &c. entered into by Trustees, deemed valid.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof,

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

of, to the Clerk or Treasurer of the said Roads, and within Three Days after such Notice, entering into Recognizance, before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs, as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Session, upon the Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Recognizance to be entered into.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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 unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; 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, may recover full Satisfaction for the Special Damage in an Action on the Case.

nor the Party distraining be deemed a Trespasser *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, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for borrowing of Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited

before them; or under the Hands and Seals, or Hand and Seal, of, or only signed by, any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said respective Trustees, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the said Trustees, or any Five or more of them, at their Meetings, as the Case shall require; and such Orders shall be deemed and taken to be Original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

No Gates to be erected on the Sides of the Roads leading from the City of *Winchester* to *Stockbridge*, &c.

And whereas the Roads hereby intended to be widened, altered, and repaired, do cross or intersect a Turnpike Road leading from the City of Winchester to Stockbridge in the County of Southampton, another from Basingstoke in the said County of Southampton to Stockbridge aforesaid, another from the City of Winchester aforesaid to Andover aforesaid, and another from Basingstoke aforesaid through Andover aforesaid; be it enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be set up or erected in, upon, or on the Sides of the said Roads leading from the City of Winchester to Stockbridge, Basingstoke to Stockbridge, the City of Winchester to Andover, and from Basingstoke aforesaid through Andover aforesaid, or either of them, or in, upon, or on the Sides of the Roads hereby intended to be widened, altered, and repaired, or any of them, where the said Roads do or may cross or intersect each other, so as to subject any Person to the Payment of any Toll only for crossing over any or either of the said several and respective Roads with Horses, Cattle, or Carriages, where they cross and intersect each other; nor shall any such Turnpike or Turnpikes be erected or set up within the Borough of Andover aforesaid, in or across the Streets or Lane there, called High Street, London Lane, or New Street, except within Two hundred Yards of the North End of such Street called New Street; any thing herein contained to the contrary notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of passing thereof for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed for want of Form,

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted

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in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Not removable by Certiorari.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given, in Writing, to the Clerk of the said respective Roads, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action 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 it shall appear that such Action or Suit was brought before Twenty one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; 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 nonsuited, 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 recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.