Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Marchwiel*, in the County of *Denbigh*, through *Bangor*, *Worthenbury*, and *Hanmer*, in the County of *Flint*, to a Houſe in the Poſſeſſion of *Thomas Jenks*, in *Dodington*, in the Pariſh of *Whitchurch*, in the County of *Salop*; and from *Bangor* aforeſaid to *Malpas*, in the County of *Cheſter*; and from *Redbrook* to *Hampton*, in the ſaid County of *Salop*.

WHEREAS the Road leading from Marchwiel, in the County of Denbigh, through the ſeveral Pariſhes of Bangor, Worthenbury, and Hanmer, in the County of Flint, to a certain Houſe in the Poſſeſſion of Maſter Thomas Jenks, in Dodington, in the Pariſh of Whitchurch, in the County of Salop; and alſo the Road leading from the Town of Bangor, in the County of Flint, to the Town of Malpas, in the County of Cheſter; and alſo the Road from a Place called Redbrook to Hampton, in the ſaid County of Salop, are ruinous, and in ſeveral Places very narrow and incommodious, and cannot be properly amended, widened, and repaired, by the Laws now in being: May it 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, Preamble.

Truſtees Names.

Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That James Apperley, Morris Anwyl, Sir Walter Wagſtaff Bagott, Samuel Benyon, William Bagott, Thomas Boycott, William Buckley, Sir Lynch Saluſbury Cotton, Robert Saluſbury Cotton, John Humberſton Cawley, William Chalnor, Powel Clough, William Conway Clerk, Robert Cunliff, Aſheton Curzon, Arthur Lord Viſcount Dungannon, of the Kingdom of Ireland; Arthur Trevor, eldeſt Son to Arthur Viſcount Dungannon; John Davies of Llanerch, Peter Davies, Roger Davies, Thomas Davies of Eyton, Thomas Davies of Bronington, John Dod, Edward Dymock, John Dymock, William Drake, John Ellis, Kenrick Eyton, Thomas Eyton of Lliſwood, Thomas Eyton of Gerwinfawr, John Eyton Clerk, John Edwards, Thomas Edwards Clerk, John Egerton, Philip Egerton, John Edwards of Glynn, John Edwards junior, Philip Lloyd Fletcher, Robert Foulkes, William Green Clerk, Sir John Glynne, John Conway Glynne, Thomas Gilbert, Humphrey Hanmer, Walden Hanmer, Thomas Hanmer, John Hanmer, Thomas Hayman, George Hope, Richard Higginſon, Thomas Hughes of Ruthin, Clerk; Thomas Hughes of Halkin, Sir Rowland Hill, Richard Hill, John Hill, Edward Saluſbury Jones, John Jones of Llwynonn, Thomas Jenks, Lloyd Kenyon, Lloyd Kenyon the younger, Roger Kenyon, George Kenyon the younger, George Kenyon, Philip Keay, Randle Keay of Croxton, Edward Kinaſton, John Knight, Thomas Kyffin, Edward Kynaſton, Edward Lloyd of Penylan, Edward Lloyd of Tyddyn, Edward Lloyd of Pengwern, John Lloyd of Havod y Nos, William Lloyd of Aſton, William Lloyd of Plaſpower, Gwin Lloyd, William Lloyd the younger, Hedd Lloyd Clerk, Frederick Lloyd Clerk, John Leche, Sir Roger Moſtyn, Richard Myddleton, Owen Meyrick, John Myddleton, Henry Moore D. D. Peter Morgan, Thomas Moſtyn of Moſtyn, John Moſtyn, William Moſtyn, William Moſtyn the younger, Edward Moreton, Thomas Meredith, Henry Newcombe of Gresford, Clerk; John Pughe Pryſe, William Price, Richard Price, Richard Parry Price, Francis Price, Thelwall Price, Thomas Puleſton, John Puleſton, Philip Puleſton, Philip Puleſton Clerk, William Puleſton, Daniel Payne, William Probart, Thomas Pulford Clerk, Bagot Read, Bagot Read the younger, David Roberts, George Ravenſcroft, John Ravenſcroft Clerk, Sir Thomas Saluſbury, Peter Shakerley, Stones of Hanmer, Clerk, Griffith Speed, Thomas Townſon Clerk, Edward Travers, John Twigg, William Turton, William Vaughan, Evan Vaughan,

Robert Howell Vaughan, John Vaughan of Groes, Sir Watkin Williams Wynne, Sir John Wynne, Watkin Williams, Thomas Wynne, Watkin Wynne, Owen Wynne, Robert Wynne of Plas-newydd, Robert Wynne of Garthewin, Robert Wynne the younger, William Wynne D. D. Francis Wardle, George Warrington, Richard Hill Waringe, Richard Williams Clerk, Aquila Wyke, John Williams, Ellis Yonge, Simon Yorke, Philip Yorke, and John Yale Clerk, and their Succeſſors, to be elected in the Manner herein after mentioned, ſhall be, and are hereby appointed, Truſtees for putting in Execution all the Powers in and by this Act given and granted.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of Thomas Edwards, known by the Sign of the Three Spread Eagles, in the Town of Wrexham, on that Day Fortnight next after the paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then, and from time to time afterwards, adjourn themſelves, to meet at ſuch Place or Places near the ſaid Roads, as they the ſaid 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 or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as often as ſuch Caſe ſhall ſo happen, by Notice in Writing to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was appointed to be held, on the Fourteenth Day after the Day for which ſuch laſt Meeting was appointed: And the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences; and that all Orders and Determinations of the ſaid Truſtees, in Execution of this Act, ſhall be 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; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, and concur therein; nor ſhall any Truſtee be capable of acting in the Execution of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

No Order to be revoked unleſs Nine of the Truſtees preſent ſhall concur therein.

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

Trustees in Commission of the Peace may act as Justices.

this Act; but 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.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from time to time, to elect One other Person to be a Trustee, in the Room of every Trustee so deceased or refusing to act, but Notice in Writing of the Time and Place of Meeting for every such Election, shall be fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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 One hundred Pounds, above Reprizes; or possessed of, or intitled unto, a Personal Estate of the Value of Three thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Six 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 so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Tollhouses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads; and

also

alſo One or more Toll-houſe or Toll-houſes, with ſuitable Out-buildings thereto, in and upon the ſame, and pull down and remove the ſame as they the ſaid Truſtees, or any Five or more of them, ſhall judge proper; and the Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from time to time appoint to receive the ſame at each of the ſaid Turnpikes, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through the ſame; that is to ſay, and take Tolls thereat.

The Tolls.

For every Horſe, or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Hearſe, or Chair, the Sum of Three Pence.

For every Horſe, or other Beaſt, drawing any Waggon, Wain, Cart, Tumbrel, or Sledge, the Sum of Two Pence.

For every Horſe, or other Beaſt, laden or unladen, and not drawing as aforeſaid, 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, Lambs, or Goats, the Sum of Five Pence per Score; and ſo in Proportion for any greater or leſs Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, or as a Toll: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting of ſuch Tolls, to ſeize and diſtrain any Horſe or Cattle, Beaſt, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo diſtraining, ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattles, ſo 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

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Tolls veſted in Truſtees.

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ed in the said Trustees, and shall be applied, or may be assigned in such Manner as is herein after mentioned.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or Bye-way, that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

and take Toll thereat;

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

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected 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 impowered to bring or cause to be brought any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Clerk, against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act; and 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, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Proviso.

Provided always, and be it enacted, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in, or applied to, the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the Roads by this Act directed to be widened and repaired shall lead.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First Meeting, and, from time to time, assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Five 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 the said Trustees, or any Five or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes as they the said Trustees, or any Five or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said first Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act.

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

and raise them again.

Notice to be given of borrowing Money.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once at any Toll-gate or Turnpike to be erected upon the said Roads, for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through any of the Turnpikes to be erected by virtue of this Act upon the said Roads, and on the Sides thereof, and across any Lane or Way leading into the same; but all any every Person and Persons, after having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll) shall afterwards repass with the same Horses, Cattle,

Tolls to be paid but Once a Day.

Beasts, and Carriages, Toll-free, during such Day, through the same Gate or Turnpike; any thing herein contained to the contrary notwithstanding.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, 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 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.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall

or on giving or receiving Tickets, &c.

give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse, or other Cattle or Beast; or shall

or taking off Horses, &c.

take off, or cause to be taken off, any Horse or other Cattle, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only with, on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Marl, Compost, or Manure (Lime excepted) employed in Husbandry for manuring or improving of Lands, or for any Person or Persons residing in any Township or Parish in which the said Roads lie, going to or from their proper Parochial Church, Chapel, or other Place of religious Worship, on Sundays, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes, or for any Post-horse carrying the Mail or Packet, or for any Cattle going to or from Water or Pasture, or for the Horses of Soldiers upon their March, or Carriages attending them with their Baggage, or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Denbigh, Flint, Chester, or Salop, during the Time of such Election, or on the Day before or Day after such Election shall begin and be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Exemptions from Tolls.

Penalty on making illegal Claims.

Provided always, and be it further enacted, That if any Toll-gate shall be erected at or near Bangor Bridge, by virtue of this Act, no Toll shall be demanded or taken at any such Gate for or in respect of any Carriage, Horse, or other Beast, passing through the same, which shall pass along the Road leading from Overton to Bangor aforesaid, to or from any Wharf or Quay up, on, or near the River Dee, at or near Bangor aforesaid, and to no other Place; any thing herein contained to the contrary notwithstanding.

Particular Exemption.

Provided also, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be set up, or

No Gate to be erected between *Bangor* and *Malpas*.

or Toll taken, for the Passage of any Horses, Cattle, or Carriages, by virtue of this Act, between the Township of Bangor and the Town of Malpas aforesaid; and that no Side-gate shall be erected so as to intercept Carriages, Horses, or Passengers, travelling and going along the accustomed Road leading from a certain Place in the said County of Flint called Stimmyheath, to a certain Place in the said County of Chester called Dirtwich.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First or any subsequent General Meeting to be held for that Purpose, may, and they are hereby impowered, from time to time, by any Deed, Writing, Instrument, or Certificate, under their Hands and Seals, to assign over, or mortgage the Tolls to be collected and levied by virtue of this Act, or any Part thereof (the Charges of assigning or mortgaging the same to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof with such Interest as shall be agreed upon; which said Money so to be borrowed shall (after paying the Expences of procuring and passing this Act) be applied and disposed of as the Tolls are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; 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 erected by virtue of this Act, at least Fourteen Days before the borrowing thereof.

Trustees to appoint Officers,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Officers and other Persons, and appoint others in their Stead: And out of the Monies to arise by virtue of this Act, 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 and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver

liver 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 Officers and 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; then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the County or Place wherein such Officer or Person shall be or resive, shall make Enquiry concerning such Default, either by Confession of the Party, 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 Fee or Reward) And if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol or House of Correction for such County or Place, 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 have compounded 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 have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition made.

Treasurer, &c. to give Security.

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

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

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under 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, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Five or more of the said Trustees, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds, Commons, Rivers, or Brooks, 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; such Surveyors, or other Persons, filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees, or any Five or more of them, to 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 the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered,

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

thereof, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Ground, Common, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, from time to time, ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe; and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads to the Prejudice thereof; and to open, ſcour, cleanſe, widen, or make deeper, any Watercourſes or Ditches running into, or out of, the ſaid Roads to the Prejudice thereof, 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 Roads, 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, Buſhes, or Shrubs, or to open, ſcour, cleanſe, widen, or deepen, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Ten 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 Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

and cut down Trees;

the Owners neglecting to remove the ſame after Notice;

Charges to be reimburſed to the Surveyors.

Penalty on a Second Offence.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make Cauſeways, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto; and to erect, re-

and erect Bridges, &c.

build, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain, where necessary; and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Thirty Feet in Width; 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, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood, Common, or Waste Ground.

and make a temporary Road;

making Satisfaction to the Owners.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Wood, Common, or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and, for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever, seized of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and

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

on

on Behalf of themſelves, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons whatſoever, and to and for all Femes Covert, who are or ſhall be ſeized or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, under any Manner of Right or Title whatſoever, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid, or to contract for, and give in Exchange, any Part or Parts of the ſaid new Roads or Paths ſo to be made as aforeſaid, for the ſaid old Roads or Paths ſo to be diverted or altered as aforeſaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed in Mortmain, or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: And if any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or 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 principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is intended to be diverted, turned, or altered, ſhall, for the Space of Thirty Days next after ſuch Notice given or left, 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 ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch

Perſons neglecting to treat for the Sale of Lands;

Jury to aſſeſs the Damages.

Damage and Recompence to be inquired into, and aſcertained, by a Jury of Twelve indifferent Men of the County wherein ſuch Lands or Hereditaments do lie: 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 require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View, or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes; and after the ſaid Jury ſhall have inquired of, and aſſeſſed, ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, as well as all other Perſon or Perſons whomſoever: And, for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty-four Perſons, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

Truſtees to iſſue their Warrant, &c. to impanel a Jury.

Two or more of them, ſhall, and they are hereby impowered and required, to ſwear, or cauſe to be ſworn, Twelve Men, 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, either of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve: And all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have 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, ſhall refuſe 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, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be examined or to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, ſo that no ſuch Fine ſhall be more than Five Pounds, nor leſs that Twenty Shillings, on any One Perſon for One Offence.

Jurors may be challenged.

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

Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforeſaid, That every Sum of Money, or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons, authorized by Writing under the Hands of the ſaid Truſtees, or any Five or more of them, to divert or turn ſuch Roads through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, or Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts

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

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

Parts of the said Roads, as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a Common Highway, and shall be repaired, and kept in Repair, in such Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended; and, from thenceforth, all Parties and Persons whatsoever, shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Roads shall be completed, the Lands constituting the former Roads, unless leading over some Wood, Common, or Waste Ground, or to some Village, Town, or Place, to which such new Roads do not lead, shall be vested in, and shall and may be sold and conveyed, by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the Repair of the Roads by this Act directed to be repaired; or the said Trustees, or any Five or more them, may and are hereby impowered, to give in Exchange, any Part or Parts of the Lands so constituting the former Roads, for any Part or Parts of such new Roads: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

and kept in Repair.

Old Road may be sold.

Trustees not to act where interested.

Provided always, 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 interested.

Persons, &c. chargeable to the Highways, to continue so.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lie, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Roads, shall remain subject

Inhabitants do Statute-work.

to

to the Performance of ſuch 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 ſo held and occupied, and ſhall be liable to perform ſuch Statute-work as Perſons keeping Teams are obliged by Law to do; and that the reſpective Surveyor or Surveyors of the Highways, for the reſpective Townſhips, Pariſhes, and Places, in which any Part of the ſaid Roads lie, or in caſe no ſuch Surveyor is or ſhall be appointed, the Churchwardens or Overſeers of the Poor of ſuch Townſhips, Pariſhes, and Places, ſhall yearly, and every Year, within Ten Days after Demand made to him or them reſpectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors an exact Account, in Writing, under his or their Hand or Hands, of the Chriſtian and Surname of every Perſon who within ſuch reſpective Townſhips, Pariſhes, and Places, are liable to do Statute-work, and ſhall diſtinguiſh in ſuch Liſts, which of ſuch Perſons ſhall, or by this Act ſhall be deemed to, keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to, keep a Team or Teams; and the Statute-work ſhall be done by all ſuch Perſons on ſuch Parts of the Roads hereby intended to be repaired as lie within the ſaid reſpective Townſhips, Pariſhes, and Places, in ſuch Manner, and at ſuch Times, as the ſaid Truſtees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, ſhall, from time to time, direct and appoint, not exceeding Three Days Work in any One Year for any One Perſon: And the ſaid Surveyor or Surveyors of the Highways, Churchwardens or Overſeers of the Poor for ſuch Townſhips, Pariſhes, and Places reſpectively, within Seven Days after Notice ſhall be given to him or them by ſuch Turnpike Surveyor or Surveyors of the Time or Times when and how many of ſuch Perſons are to do ſuch Work upon any Part or Parts of the ſaid Roads, ſhall give Notice thereof to ſuch Perſons: And if any Surveyor, Churchwarden or Overſeer of the Poor for any ſuch Town, Pariſh, or Place aforeſaid, ſhall neglect or refuſe to do as he is hereby required and directed; every ſuch Surveyor, Churchwarden, or Overſeer, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Five Pounds: And every Perſon who ſhall neglect or refuſe to do ſuch Work at ſuch Times and Places, and in

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

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

Penalty on Surveyors neglecting to deliver Liſts.

Penalty on Perſons not performing Statute-work.

in ſuch Manner as ſhall be appointed by the ſaid Truſtees, or any Five or more of them, or by ſuch Turnpike Surveyor or Surveyors; every ſuch Perſon ſhall forfeit and pay the reſpective Sums herein after-mentioned; that is to ſay, Every Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Perſon who ſhall, according to ſuch publick Notice as aforeſaid, come as a Labourer, or with any Team, to work on the ſaid Roads, and be found idle or negligent by the ſaid Turnpike Surveyor or Surveyors where the Work is to be done, ſuch Surveyor or Surveyors may, and is and are hereby required to, diſcharge ſuch Perſon, and it ſhall be deemed as if ſuch Perſon or ſuch Team had not come or been ſent to do ſuch Work; and every ſuch Labourer or Perſon, or the Owner of ſuch Team, Draught, or Cart, ſhall be liable to the reſpective Forfeitures before mentioned.

Perſons found idle to be turned off.

Truſtees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound or agree by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are, or ſhall be liable to, or chargeable with, the Repair of any Part of the ſaid Roads, or with any Perſon or Perſons for the Performance of his or their Statute-work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Townſhips, Pariſhes, or Places, or ſuch Churchwardens or Overſeers of the Poor reſpectively, as aforeſaid (by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips or Places firſt had at any Veſtry, or other publick Meeting of ſuch Inhabitants) to compound and agree by the Year or otherwiſe, with the ſaid Truſtees, or any Five or more of them, for and in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Roads; all which Compoſition-monies ſhall be from time to time paid in Advance, and ſhall be applied in the Repair of the ſaid Roads; and all ſuch Surveyors, Churchwardens, or Overſeers of the Poor, ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are by the Laws now in being to be reimburſed the

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

Monies

Monies by them expended in buying Materials for repairing the Highways.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel-carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber 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 the Sum of Forty Shillings.

Penalty on defacing Mile-ſtones.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near, the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted, upon Oath, by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter, without Fee or Reward) every ſuch Perſon, ſo offending, ſhall forfeit the Sum of Forty Shillings, for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied: And in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid: And every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable, or other Peace Officer, who ſhall convey ſuch Offender before any Juſtice of the

Peace, to be dealt with according to Law, and the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending; or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace 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 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, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

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 Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten intire Days Notice

at

at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a 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 Session; and the said Justices, at the said Session, upon due 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 Session shall be final, binding, and conclusive, to all Intents and Purposes.

Recognizance to be entered into.

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 Defect 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 upon the Case.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, 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, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

All Writings to be without Stamps.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, 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 Clerk or Clerks, at any Meeting of Five or more of the said Trustees assembled, as the

Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

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

not removeable by *Certiorari*.

Limitation of Actions.

Provided always, 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 Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defend-

General Issue.

ants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law. Treble Coſts.

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

FINIS.