Anno nono

Georgii III. Regis.

I

An Act for repairing the Road from the Turnpike-gate in the Townſhip of *Greenfield*, to the North Limits of the Townſhip of *Moſtyn*, and from *Moſtyn* to *Henllan*, and from *Llanerch y Mor* to *Pen y Fordd Wain*, in the Counties of *Flint* and *Denbigh*.



WHEREAS the Road leading from the Turnpike-gate, in the Townſhip of Greenfield and Pariſh of Holywell, in the County of Flint, to the North Limits of the Townſhip of Moſtyn, in the Pariſh of Whitford, in the ſaid County; and from Moſtyn to Henllan, in the County of Denbigh; and alſo the Road from Llanerch y Mor, by Downing, to the Turnpike Road called Pen y Fordd Wain, in the Pariſh of Whitford aforeſaid; are in a very ruinous and dangerous Condition, and cannot be effectually amended and kept in Repair by the ordinary Courſe of Law: Preamble.

May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir William Bagot Baronet, Richard Wilbraham Bootle Esquire, Sir Lynch Salusbury Cotton Baronet, Robert Salusbury Cotton Esquire, the Reverend Edward Crew Clerk, William Davies Esquire, John Davies Gentleman, the Reverend John Foulkes Clerk, Sir John Glynn Baronet, Thomas Grosvenor, John Conway Glynn, John Giffard, Thomas Griffith, Esquires; Thomas Hughes, Robert Hughes, Esquires; John Jones, Edward Salusbury Jones, Esquires; Bell Lloyd Esquire, the Reverend Thomas Lloyd Clerk, William Lloyd, Thomas Lloyd, Evan Lloyd, Gentlemen; Sir Roger Mostyn, Sir Pyers Mostyn, Baronets; Richard Myddleton Esquire, the Reverend Thomas Mostyn Clerk, Pyers Mostyn, Thomas Mostyn, John Myddleton, John Madocks, John Ellis Mostyn, Esquires; John Pugh Pryse, Thomas Pennant, Paul Panton, Peter Parry, Charles Fish Palmer, Esquires; Richard Richardson Esquire, Sir Thomas Salusbury Knight, Thomas Smedley of Holywell, Thomas Smedley of Begilt, Francis Smedley, Henry Steeple, Gentlemen; Thomas Thomas Esquire, Sir Watkin Williams Wynne Baronet, Watkin Williams Esquire, William Wynne Gentleman, Ellis Yonge Esquire, and their Successors, to be appointed as herein after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Trustees Names.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or across, any Part or Parts of the said Roads; and also upon the Side or Sides thereof, cross any Lane or Way near to, or leading into the same, and also a Toll-house to each Gate or Turnpike, with suitable Out-buildings thereto; and also may take in, and inclose, on the Sides of the said Roads, convenient Garden Spots for each Toll-house, as the said Trustees, or any Five or more of them, shall direct or appoint; and shall demand, receive, and take, at each and every of the said Toll-gates, or Turnpikes, the Tolls following,

and take Tolls thereat.

ing, before any Horse, Cattle, or Carriage whatsoever, shall be permitted to pass through the same; that is to say, in

For every Horse, Mare, Gelding, Mule, or Ass, drawing in any Carriage whatsoever, Four Pence. The Tolls.

For every Ox, or other Neat Cattle, drawing in any Carriage whatsoever, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, Two Pence.

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.

For every Drove of Calves, Hogs, Swine, Sheep, or Lambs, 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 the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and may be assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned; And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof; it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, Beast, or Goods, or any Carriage, upon which such Tolls are by this Act imposed, or any other of the Goods and Chattles of any Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods, or Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and reasonable Charges for distraining, keeping, and selling, shall be deducted and paid.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

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, assembled at a

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

Meeting or Meetings to be held for that Purpose, and they are hereby impowered from time to time, with the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned; and for such Time and Times as 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 reduced as aforesaid, to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for the Purposes aforesaid, unless Fourteen Days previous Notice thereof at the least shall have been given in Writing, affixed upon all the Turnpikes which shall be then erected upon the said Roads.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once, for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night, with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all the Gates or Turnpikes to be erected by virtue of this Act, upon the said Roads, or on the Sides thereof, between Greenfield Gate and Heilan aforesaid, nor more than Once in any One Day, to be computed as aforesaid, for passing or repassing with the same Horse, Mare, Gelding, or other Cattle, Coach, Waggon, or other Carriage, through all or any Turnpike or Turnpikes to be erected upon the said Road, or on the Sides thereof, between Llanerch y Mor and Pen y Fordd Wain aforesaid; such Person or Persons producing a Note or Ticket, denoting that such Toll was paid on that Day within the District where the Toll shall be demanded; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

And

And be it further enacted by the Authority aforesaid, That out of the first Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge the Charges and Expences of procuring and passing this Act; and shall apply the Remainder of the Money so raised, in defraying the Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from time to time order, direct, and appoint. Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this Act, and of the Materials provided for building and repairing the same, and of all Materials which shall be actually got or collected for repairing the said Roads, and all Mile-stones to be set up on the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Three 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 them, or their Treasurer or Treasurers, Clerk or Clerks, or to prefer, and order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall keep Possession of any Turnpike or Toll-house, which shall be erected by virtue of this Act, or of any Out Building or Garden thereto belonging, after Notice given by the said Trustees, or any Three or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons to quit the same; or who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, Mile-stone or Mile-stones, which shall by virtue of this Act be erected or provided, or any Part thereof respectively, or any of the Materials of which the same shall be made, built, or consist, or any of the Materials which shall be provided for the repairing any Part of the said Roads. Turnpikes, &c. vested in Trustees.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, upon Fourteen Days Notice to be given thereof upon all the said Turnpikes, from time to time, by Writing under their Hands and Seals, to let or farm Trustees may lease, &c. the Tolls.

farm the Tolls by this Act granted, or any of them, or any Part thereof respectively, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted not exceeding Three Years at any one Letting, upon public Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

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 whatsoever, pass through any Land, Ground, or Hereditament adjoining to, or lying near any Turnpike erected or to be erected upon the said Roads (the same not being a publick Highway); or if the Owner or Occupier of any such Land, Ground, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse or other Cattle or Beast from any Carriage, whereby the Payment of the Tolls, or Part thereof, shall be evaded, 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 an Intent to evade the Payment of the said Tolls, or any of them, or any Part thereof, respectively, or with such Intent shall unload any Goods or Effects from any Horse, Cattle, Beast, or Carriage; any Person so offending in any of the Cases aforesaid, shall for every Offence forfeit the Sum of Forty Shillings; One Half whereof shall be paid to the Informer, and the other Half shall be applied towards amending the said Roads.

Exemption from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or liable to pay any of the Tolls made payable by this Act,

for passing or repassing, with any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of Stones, Gravel, or other Materials for repairing of any Roads or Highway, or in the Carriage of any Dung, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, or that shall be used or employed in the ploughing, tilling, cultivating, or stocking of any Land or Ground, or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, Gors, or dead Hedgewood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides, of the Owner or Owners thereof, or for the going, passing, returning, or repassing of any Plough, Harrow, Dray, or other Implements of Husbandry, or of any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using them in Husbandry, or for any Person or Persons residing in any Township or Parish in which the said Roads do lie, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship, on the Sabbath Day or Sunday, or for the going, passing, returning, or repassing, of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle, to or from Water or Pasture, or in order to be shoed or farried; or for the going, passing, returning, or repassing, of the Horses of any Officers or Soldiers on their March, or of any Waggon, Cart, or other Carriage, or of any Horse, Mare, or other Beast drawing the same, in the Carriage of the Arms or Baggage of such Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horse or other Beast, drawing or not drawing the same, that shall be used or employed in the passing of Vagrants travelling with lawful Passes; or for any Post Horse or Horses carrying or drawing the Mail; or for the passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass, or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Caravan, or any other Carriage, or of any Horse, Mare, or Gelding, drawing the same, that shall be going to, or returning from, any Election of any Knight or Knights of the Shire, to serve in Parliament, for the Counties of Flint and Denbigh, on the Days of such Election or Elections.

Penalty on making illegal Claims.

Provided always, That if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Dwelling-house of Mary Hughes, situate in Holywell, in the County of Flint, and commonly called or known by the Name or Sign of the White Horse, on the Friday Fortnight next after the passing of this Act, and proceed to the Execution of this Act, and shall and may adjourn themselves, from time to time, and meet at any Place, as often as the said Trustees, or any Three or more of them, shall think proper: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, or in case the Trustees shall omit or neglect to adjourn themselves; that then, and in either of the Cases aforesaid, their Clerk or Clerks shall, by a Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the same Place where the last Meeting was appointed to be held, on the Day Three Weeks after the Day on which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall pay and defray all their own Expences.

Adjournment not to exceed 3 Months.

Provided always, That no Adjournment shall be made for a longer Time than Three Months; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise: And that

No Order to be revoked; unless a Majority shall concur therein.

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 Five Trustees shall be present; nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him affixed up at all the Gates or Turnpikes then standing upon the said Roads, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the

Powers

Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; and all such Trustees who are Justices of the Peace, may act as Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

And be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen, that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings, or that the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Three or more of the said Trustees, at any Time or Times, the Space of Ten Days having first intervened, to appoint the said Trustees to meet at some House in or near the said Roads, upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes then erected by virtue of this Act; and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

In Default of a sufficient Number to act.

Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby impowered, at any Meeting to be held in pursuance of this Act, to borrow and take up at Interest, any such Sum or Sums of Money as they, or any Five or more of them, shall think proper, upon the Credit of the Tolls payable by virtue of this Act; and to mortgage, assign, and convey over the said Tolls, or any of them, or any Part or Parts thereof respectively, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed shall be applied in such Manner and for such Purposes only as the Tolls so assigned are hereby directed to be applied; and that Copies of all such Mortgages, Assignments, and Conveyances, shall be entered at Length in a Book or Books to be kept

Trustees may borrow Money on the Credit of the Tolls.

Tolls may be assigned for Money borrowed.

kept for that Purpose, by the Clerk or Clerks of the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls, after the First Meeting of Trustees, 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 of such Money: And all and every Person and Persons to whom any such Mortgage, Assignment, or Conveyance, shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by an Indorsement under his, her, or their Hand or Hands, to be made on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; All which Assignments and Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof; and such Clerk or Clerks shall cause an Entry or Memorial to be made of such Transfer, specifying the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the said original Mortgages, Assignments, or Conveyances; for which the Clerk or Clerks shall be paid Two Shillings and Six Pence, and no more, by the Person or Persons in whom such respective Assignments or Transfers shall be made; which said Book or Books shall and may be inspected at all seasonable Times, by any Person or Persons whomsoever; and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle the Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Notice to be given of borrowing Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

And

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of Assignment, or of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee and Assigns, shall be in Proportion to the Sum or Sums therein mentioned Creditors on this Act, and in equal Degree one with another.

All Creditors to be equal in Degree

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

Trustees not subject to Debts contracted under this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered by Writing under their Hands and Seals, from time to time to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Roads, and such other Officers and Persons for the due Execution of this Act, as they the said Trustees, or any Five or more of them, shall think proper; and from time to time to remove any such Officer or Officers and Persons, and on the Death or Removal of any such Officer or Officers and Persons, to appoint others in their Stead; but Fourteen Days Notice shall be given of every Meeting, where any such Appointment shall be made after the First Meeting of the said Trustees, upon all the said Turnpikes; and the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and impowered, by and out of the Monies which shall arise by virtue of this Act, to give such Salaries, and make such Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in or about the repairing, widening, or altering the said Roads, or any Part thereof, or otherwise in putting this Act in Execution, as they, the said Trustees, or any Five or more of them, shall think reasonable.

Trustees may appoint Officers; and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them,

Treasurer, &c. to give Security.

shall, and they are hereby authorized and required to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls, to be appointed for the Purpose of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet: And that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

No Victualler to hold a Place of Profit.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, from time to time (when and as often as he or they shall be thereunto required by the said Trustees, or any Three or more of them) produce, render, and give up to them the said Trustees, or any Three or more of them, full, true, fair, and perfect Accounts, in Writing, under their respective Hands, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Uses such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall, and are hereby respectively required, to pay all such Monies as upon the Ballance of such Accounts shall appear to be in their respective Hands, to the said Trustees, or any Three or more of them, or to such Person or Persons, and for such Uses and Purposes as they, or any Three or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting, or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Three or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any of the Officers or Persons so accounting, or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Three or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Three or more of them, or as they shall direct or appoint, or shall not deliver to the said Trustees, or any Three or more of them, within

Officers refusing to account,

in Ten Days after being thereunto required by any Three or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act; that then, and in any of the Cases aforesaid, such Trustees, or any Three or more of them, may, and 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, against the Officer or Officers, Person or Persons, so refusing or neglecting 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 Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, such Justice may, and is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Three or more of them, by virtue of this Act might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which Oath or Oaths such Justice is hereby impowered to administer) it shall appear to such Justice, that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice, at the Time and Place by him appointed for that Purpose, upon Notice thereof in Writing delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively;

Justice may enquire into the Default,

and levy the Balance by Distress and Sale.

For want of Distress, the Offender to be committed,

ty; or if appearing he shall refuse or neglect to give or deliver to the said Justice such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath as aforesaid, or to produce or deliver up to the said Justice, the several Receipts and Vouchers relating to such Accounts respectively, and to the Items and Articles thereof; then, and in any of the Cases aforesaid, such Justice may, and is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the Common Goal of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts respectively, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with such Trustees, or any Three or more of them, for the same, and paid the Composition-money which shall be thereby stipulated by them to be paid (which said Compositions the said Trustees, or any Three or more of them, are hereby authorized and impowered to make and receive) and until he or they shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Three or more of them.

Until Composition be made.

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

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, though not assembled at any Meeting in pursuance of this Act, by any Writing under their Hands to appoint another Person to collect such Tolls; and such Person shall have the same Power and Authority to collect the same, as if he had been appointed by the said Trustees at a Meeting to be held in pursuance of this Act, 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.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person or Persons as shall

be

be employed or appointed by such Surveyor or Surveyors, or by the said Trustees, or any Three or more of them, is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing the said Roads, in, upon, out of, or from any Waste or Common Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near the said Roads, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon such Waste or Common Ground or Grounds, then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Three or more of them, cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any such Materials as aforesaid, in, upon, or out of, from and over any the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used towards repairing the said Roads, such Lands, Fields, and Grounds, not being a Park, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery Garden, or any Walk or Walks planted with Trees, or an Avenue to any House) paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Three or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons, by them appointed or employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, digged, gathered, taken, and carried away, shall and may (on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners,

Surveyors may dig Gravel, &c.

without paying for the same;

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Occupier, or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or one of their respective Families) hear and settle, and determine, the Matters of the said Damages.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Three or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Three 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, and make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches in a proper Manner, or remove such other Annoyances, in such Manner as the said Trustees, or any Three or more of them, or the 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, and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes, growing in the said Roads or in the Hedges or Banks adjacent thereto, and to take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Roads whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Three or more of them, shall require, for the Space of Ten Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Three of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Three or more of them, to shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after the Removal of any of

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

Penalty on a Second Offence.

the

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.

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 of the said Roads, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Three or more of them) to make Causeways, and also Ditches and Drains, in and upon the said Roads, or any Part thereof, and also through any Grounds or Fields lying contiguous thereto, and also to make a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow, or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House stands, or a Park or Paddock, 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 Three 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 across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, 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 Three or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground.

Making Satisfaction to the Owners.

Penalty on obstructing Surveyors, &c. in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted and hindered, any Turnpike Surveyor, or any other Person or Persons by them, or by the said Trustees, or any Three or more of them, employed in the cutting, digging, gathering, or carrying away, any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in altering, widening, or repairing, the said Roads, or in topping, lopping, cutting, or carrying away, any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, as aforesaid, or in doing any other Act in or for the repairing, widening, turning, or altering, the said Roads, by virtue of the Powers by this Act given, or

any

any of them; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Trustees may widen the narrow Parts of the Roads,

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen the said Roads, or to alter the Course of the said Roads, or to make any new Road or Roads contiguous or near to the said Roads, or any Part or Parts thereof; that then, and in any of the said Cases, it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, over any Waste or Waste Ground, without making any Satisfaction for the same; and also through and over any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; And, for that Purpose, it shall be lawful for the said Trustees, or any Five or more of them, to contract with the Owner or Owners of, and Persons interested in, any Lands and Hereditaments lying near the said Roads, or through or over which any new Road or Roads is to be made, shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments, as they the said Trustees, or any Five or more of them, shall think proper and necessary, for the altering, enlarging, widening, or making, any new Road or Roads, or any Part or Parts thereof; and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, and other Trustees for or on Behalf of Infants, Lunaticks, Femes Coverts, or Cestuique Trusts, and all other Persons whomsoever, may, and are hereby authorized and impowered to contract and agree with the said Trustees, or any Five or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey all such Lands and Hereditaments, to the said Trustees, or any Five or more of them, for the Purposes aforesaid; and all Contracts, Agreements, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever; and, in case the said Trustees, and Owner and Owners, or Person or Persons interested

making Satisfaction to the Owners.

Trustees may contract for the Purchase of Lands, &c.

Bodies Politic, &c. may contract for the Sale of such Lands.

Owners, &c. neglecting to treat,

interested therein, cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased, then, the said Trustees, or any five or more of them, may and are hereby authorized and impowered, Six clear Days before any General or Quarter Sessions of the Peace to be holden for the County where such Lands and Hereditaments shall lie, to give or cause to be given to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at their last Place of Abode respectively, with some or One of their respective Families, or at the House or Houses of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or of the Tenant or Tenants in Possession of the Lands or Hereditaments through which any Part of such Road or Roads is or are intended to be diverted, turned, or altered, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Roads, and the Places where the same shall lie, and purporting, that the Value and Values of such Lands and Hereditaments respectively shall be adjudged and settled by a Jury at the said Sessions, and the Justices at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall, and are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impanelled and returned by the Sheriff of the said County without Fee or Reward, and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprized in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, (which Oath the said Justices are hereby impowered to administer to the said Jurors) and to which said Juries, the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value, of the said Lands or Hereditaments, shall by their Verdict assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices

Jury to settle the Damages and Recompence.

Jurors may be challenged.

Verdict of the Jury to be final.

Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender (if the Party can be found) of the Damages and Recompence therein, and thereby found and directed to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands or Hereditaments to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected, by virtue of this Act; the said Lands and Hereditaments, and every Part thereof, and the Fee simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth, the said Trustees, or any Three or more of them, or any Person or Persons by them, or any Three or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized and impowered to take and lay the said Lands and Hereditaments, and every Part thereof, into the said Roads; and that then and from thenceforth for ever afterwards, such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same is and are hereby declared to be a Part or Parts of the said Roads, and shall for ever thereafter be repaired and kept in Repair as Part of the said Roads; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any-wise notwithstanding: And in case any new Road or Roads shall be purchased, and such new Road shall be made and completed, the Lands and Grounds comprized in and through which the said old Road or Road lead is hereby vested in the said Trustees, and shall or may by them, or any Five or more of them, be sold or disposed of for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing the Roads hereby directed to be repaired; and the Conveyances to be made of such

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

and esteemed a publick Highway.

Old Road may be sold.

Lands

Lands and Grounds comprized in and through which the old Road did lead, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the County where such Lands shall lie, 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 further enacted by the Authority aforesaid, That in altering, 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 Park, Paddock, Plantation, or Nursery of Trees, or any planted Walk of Trees, unless the Owner or Proprietor thereof shall consent thereto.

Persons liable to repair Bridges, &c. to continue so.

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

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the said Roads do lead, or that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do Four Days of such Statute-work or Duty in such Part or Parts of the said Roads as lie in such Parishes, Hamlets, or Places respectively, and in such Places thereof, and at such Times (the same not being in Hay Time nor Harvest) and in such Manner as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, shall direct or appoint; and that every Inhabitant of such Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall, with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens and Overseers of the Poor, and if no Churchwardens or Overseers, then some

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

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

some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Three or more of them, or by the said Turnpike Surveyor or Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true and fair List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, liable to do Statute-work upon the said Roads, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to do Duty with Teams or Draughts, and which of them are Labourers only: And if any of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do and perform their Statute-work or Duty respectively on the said Roads, at such Times and Places, and in such Manner, as he shall be directed to do by the Surveyor or Surveyors to the said Trustees, or shall not work full Eight Hours in each of the said Days upon the said Roads; every such Person shall, for every such Refusal or Neglect, forfeit and pay the respective Sums herein after mentioned (that is to say) every Person liable to do a Team's Duty, for each Day's Default the Sum of Ten Shillings; and every Person liable to do Duty only as a Labourer, the Sum of One Shilling and Six Pence; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner herein before for those Purposes mentioned; every such Surveyor or Churchwarden, Overseer or Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds; and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer, or with a Team, on the said Roads, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, 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 Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned;

Penalty on Persons not performing Statute-work.

Penalty on Surveyors, &c. neglecting to deliver in such Lists.

and

and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered to compound with the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads do lead, for the Statute-work and Labour by them respectively to be performed by virtue of this Act on the said Roads, in every Year; such Composition-money being always paid down at the respective Times of making such Composition.

On Death or Refusal, others to be chosen. Penalty on Persons not performing Statute-work.

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or their Successors, shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals to elect and appoint One other Person a Trustee in the Room of the Trustee so dying, 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 upon all the Turnpikes in or upon the said Roads, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected and appointed, are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

Qualification of Trustees.

Provided always, 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 in his own Right, or in Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear-yearly Value of One hundred Pounds, or be possessed of a Personal Estate to the Amount of One thousand Pounds. And if any Person not being qualified as aforesaid, shall presume to act contrary to the true Intent and Meaning of this Act; every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of

Penalty on acting, if not qualified.

Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee.

Roads to be measured, and Mile-stones erected.

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

Penalty on defacing Mile-stones, &c.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon, in, or along, the Roads by this Act intended to be repaired, or either of them, or any Part thereof respectively, any Tree or Trees, Piece or Pieces of Timber, otherwise than upon Wheels or Carriages, every such Person and Persons, for every such Offence, shall forfeit the Sum of Forty Shillings; to be applied and disposed of as the said Trustees, or any Three or more of them, shall direct, for repairing the Road on which the said Tree or Trees, Piece or Pieces of Timber, shall be hauled or drawn.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required to make his Warrant

or

or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Four Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way; and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Non-payment thereof shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties or Forfeitures by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus (if any there shall be) after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of such Distress or Distresses may commit such Offender or Offenders to the Common Gaol or House of Correction of the County or Place where such Offender shall be so apprehended, and there to remain without Bail or Mainprize until the said Penalties and Forfeitures and Charges shall be paid.

Application of the Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than and except such, or such Parts thereof, as are by this Act otherwise directed to be applied, shall be paid to the said Trustees, or to their Treasurer for the time being, and shall be by the said Trustees applied in the Repair of such Part of the said Roads in respect whereof such Penalties or Forfeitures respectively shall be incurred.

And

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, or Second General Quarter Sessions of the Peace, to be held for the County where the Cause of Complaint shall happen, after the Act, Order, Conviction, Judgement, or Determination, shall by virtue hereof be done or made, upon Ten Days Notice thereof in Writing being given by such Person of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Roads in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made, and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices, at their said Sessions, may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeal as they shall judge proper; and which said Judgements of the Justices, at their Sessions, shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattles of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Notice of Appeal to be given.

Recognizance to be entered into.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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, Convictions, Notice, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other

other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damages, which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass, or on the Case, at the Election of the Party or Parties aggrieved.

nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made, by or on Behalf of the Party or Parties distraining, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement, as in Cases of Nonsuit, with Full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case by Law.

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

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

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority, or by the Direction of the said Trustees, or any of them, in every such Case the said Trustees, or any Three or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and bona fide out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction

Prosecutors and Informers to be paid their Costs, and indemnified.

rection of the said Trustees, or any Three or more of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this present Act, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the Thursday Fortnight next after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings of the Trustees, to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books, to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Clerk or Clerks, and being so signed, shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought or commenced against any Person or Persons for any Thing or to be done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, or left at his or their last or usual Place of Abode, setting forth the Cause of such Action; and that every Action brought for any Thing done or to be done as aforesaid, shall be brought within the Space of Six Calendar Months next after the Cause of Complaint shall arise, and shall be laid and tried in the County of Flint or Denbigh, as the Case shall happen, and not elsewhere: And the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence, at any

General Issue.

Trial

Trial to be had thereupon, and that the same was done by Virtue hereof: And if on the Trial of such Action it shall appear that the same was brought before the Expiration of Twenty Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall have arisen; or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, that then and in any of the Cases aforesaid, the Jury shall find for the Defendant or Defendants therein: And in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action; or if the Plaintiff or Plaintiffs shall discontinue the same after the Defendant or Defendants shall have appeared, or shall be nonsuited; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law. 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 shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

FINIS.