Anno nono

Georgii III. Regis.

An Act to enlarge the Term and Powers of Two Acts passed in the Tenth Year of King *George* the First, and the Sixteenth Year of His late Majesty, for repairing the Road from the North Part of *Harlow Bush Common*, in the Parish of *Harlow*, to *Woodford*, in the County of *Essex*.

WHEREAS an Act was made in the Tenth Year of the Reign of King George the First, for repairing the Highways from the North Part of Harlow Bush Common, in the Parish of Harlow, to Woodford, in the County of Essex, which was to continue in Force for the Term of Twenty one Years, from the Twenty seventh Day of February, One thousand seven hundred and twenty three: And whereas the Term and Powers Preamble.

b

Powers of the said Act were by an Act made in the Sixteenth Year of the Reign of His late Majesty King George the Second, continued from the Expiration thereof for the further Term of Twenty one Years, and to the End of the then next Session of Parliament, on the Conditions therein mentioned: And whereas the Money borrowed on the Credit of the said Acts, for the Repair of the said Road, is not all repaid, and therefore, and to the end the said Road may be continued to be repaired and maintained, it is expedient that the Term of the said Acts should be enlarged, and the Provisions therein made more effectual; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Terms granted by the said Acts, shall be, and the same are hereby further continued from the Expiration therof; and also of the additional Term of Five Years, granted by an Act made in the Twenty eighth Year of King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and to the End of the then next Session of Parliament; and that, instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Orders, Matters, and Things, in the said Acts contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Payments, Punishments, Rules, Orders, Matters, and Things, in this Act contained, shall, for the Purposes of repairing, widening, and maintaining the Road in the said Acts contained and described, take place and commence upon the First Monday in May, One thousand seven hundred and fifty nine, and shall continue in Force until the Expiration of the said further Term of Twenty one Years, and to the End of the then next Session of Parliament; which said additional Term hereby granted, shall be and is hereby made subject to the Payment of all Money now due and owing upon the Credit of the said herein recited Acts, and all Interest due and to grow due thereon.

Recited Acts, &c. further continued for 21 Years.

And

And be it further enacted by the Authority aforesaid, That his Majesty's Justices of the Peace residing and acting in the Hundreds of Harlow and Onger, and Halfhundred of Waltham, in the said County, together with Sir Anthony Thomas Abdy Baronet, Sir Charles Asgill Baronet, William Altham, William Abdy, John Archer, Mark Adston, the Reverend Stotherd Abdy, Jeremiah Acres, Thomas Abrahams, Thomas Adams, Francis Allen, Thomas Appleby, the Reverend Thomas Altham D. D. the Reverend James Altham Clerk, Samuel Altham, John Archer, Mathew Arbouin, Thomas Adderley, Sir Richard Betenson Baronet, John Blake, Thomas Brand, James Barwick, Robert Boothby, Samuel Bosanquet, William Bosanquet, Jeremiah Bentham, Richard Bull, John Barrow, John Banks, John Bishop, William Broughton, George Bookuk, John Brewett, John Barrow, William Baker, Bramston Baker, Henry Barber, Henry Banks, John Ballard, Champion Bramfill, Denner Bennett senior, Richard Benyon, Thomas Bishop, Charles Bocock, Samuel Ball, Gnyr Burges, Samuel Butler, Richard Barnard, Robert Bullman, Peregrine Bertie, Sackvile Bate, John Boodle, William Gregg Barnston, Francis Bailey, John Brecknock, Jeremiah Bentham, Thomas Blackmore, Nathaniel Bateman, Edward Brome, John Brome, John Shales Barrington, Isaac Moodey Bingham Clerk, Daniel Binckes, John Barrow, George Bull, Adam Brown, William Bevis, Jeremiah Bentham, William Barker, Francis Bayley, James Bigg, Thomas Bridge, William Black, Samuel Bosanquet, Richard Bosanquet, Thomas Berney Branston, John Conyers, John Conyers junior, Sir Richard Chase Knight, Jemmineau Cheveley, George Richard Carter, Jerningham Cheveley, John Lomax Clay, Richard Crabb, Nathaniel Cæser Corsellis, the Reverend Thomas Chapman D. D. the Reverend John Cookson, John Crabb, Richard Collins, William Cole, William Coel, Richard Connop, Thomas Carter, James Collard, Francis Clark, Edward Cox, Edward Carver, Joseph Collins, Thomas Collier, Richard Clarke, Stanes Chamberlyne, John Cousins, William Colhoun, the Reverend William Cheer Clerk, Nicholson Calvert, Richard Chiswell, William Clinton, Henry Cousins, Henry Cooper, Staines Chamberlayn junior, Henry Crabb, John Dickins, the Reverend William Dearling, Thomas Dew, Charles Dyson, William Dyson, Francis Dickins, Benjamin Duffield, Robert Duck, John Day, Charles Dingley, Samuel Evans, the Reverend Rice Evans, John Edmondson, John Elcock, James Eave,

Joſeph Ennever, Joſeph Eyre, John Eyre, John Elways, John Ellis, Peter Flower, the Reverend John Foſbrooke, the Reverend George Farran, Thomas Foſter, William Ford, John Fiſher, Samuel Frake, the Reverend Robert Fowler, John Fiſher A. D. John Fiſher junior A. D. Paul Feilde, Ralph Freeman D. D. John Goebell, Richard Gregory, the Reverend William Gould, the Reverend Nathaniel Gering, Robert Goodwin, Robert Gough, William Green, John Gough, James Grove ſenior, James Grove junior, John Green, Edward Gardiner, the Reverend William Gibſon Clerk, Golden Griggs, William Griffin, John Gentry, John Gawler, Bamber Gaſcoyne, Joſeph Gaſcoyne, Jacob Houblon, Jacob Houblon junior, John Houblon, John Hennicher, Eliab Harvey, Edward Hillerſden, Alexander Hamilton, William Hamilton, James Hannot, Thomas Hyde, Thomas Hains, the Reverend John Harris, Richard Holland, John Hantler, Philip Howlett, Joſeph Hughes, Daniel Hicks, John Harvey, William Hicks, James Holland, Joſeph Hoye, the Reverend Richard Hind D. D. William Hachman, John Hopkins, John Hookham, George Howland, William Holt, William Heath, Charles Harris, Thomas Heath, John Hookham, Charles Hancock, Joſeph Hughes, Thomas Heſterige, Higgons, Sir Conyers Jocelyn Baronet, William Jones, William Jaques, Arthur Jones, Thomas Jeſſop, William Jillett, William Jackſon, George Jackſon, Robert Jocelyn, Edward Johns, John Jones, the Reverend Walter Kerrick, the Reverend Charles Kippax, John Kent, John King, John King, Joſeph Douglas Knight, Robert Kinſcote, Sir James Long Baronet, John Luther, John Roger Lawton, Richard Lockwood, John Leachman, the Reverend William Lockwood, the Reverend John Lindſay, Mathew Law, George Lee, the Reverend Thomas Lipyeatte, the Reverend Jonathan Lipyeatte, John Lockwood, Edward Langford, the Reverend Lawrence, John Law, William Lukin, George Lake, John Lake, Sir William Maynard Baronet, Maſſey Morley A. D. Carew Mildmay, Robert Moxon, William Molleſon, John Mullox, Thomas Mansfield, William Marden, Thomas Martin, Abraham Millbank, Thomas Millbank, Philip Martin, Milward of Naſing, Robert Martin, William Milles, William Maſterman, Naſh Maſon, Anthony Merry, Francis Mitten, Thomas Milward, William Molliſon, Mathew Martin, James Noel, Martin Noel, William Naylor, the Reverend Natt Clerk, Miles Nightingale,

John

John Nanfan, Thomas Oliver, Edward Parker, Richard Prince, John Prince, the Reverend John Pooley, James Palmer, Richard Palmer, Thomas Parker, John Plumb, Samuel Playle, Mathew Playle, Heyman Prescott, Peter Pain, Edward Parson, Edward Parson junior, William Plumer, William Poole, John Pitkin, John Pincent, George Parris, William Parris, Richard Parris, John Raymond, Charles Raymond, the Reverend Philip Rosenhagen, William Rogers, William Rogers, John Ruffell, John Rigg, Mathew Raper, John Raper, William Rivitt, William Robertson, John Redington, James Rayment, Sir Charles Smyth Baronet, George Scott, Thomas Scott, William Southby, Barrow Stamingford, Charles Selwyn near Harlow, Andrew Searle, the Reverend William Smyth, the Reverend Thomas Smith, James Streeter, Thomas Grubb Stacey, Thomas Stacey, John Searle, John Squirrell, Nymphas Stace, James Sedgwick, Mathew Scott, Thomas Shirley, Charles Smith, the Reverend William Salisbury Clerk, the Reverend Francis Stanley, the Reverend Thomas Salt, William Smyth, the Reverend William Sclater, Nathaniel Smith, Thomas Selwin, William Sotheby, Samuel Southhouse, Robert Speed, James Scrubby, Joshua Scrubby, John Strut, Joseph Smith, Richard Stanley, the Reverend Francis Stanley the younger, Richard Salway, the Right Honourable John Earl Tilney in the Kingdom of Ireland, Frederick Tensh, Anthony Todd, the Reverend Robert Tooke, the Reverend James Trebeck, Thomas Trapp, Swan Tabram, Samuel Thompson, Thomas Towers, Abraham Thorogood, James Turvin, the Reverend Charles Torriano, Sir Thomas Spencer Wilson Baronet, Sir William Wake, Thomas Walton, Boucher Walton, Sir Edward Walpole Knight of the Bath, the Reverend Thomas Wayte, the Reverend Henry Wray, Thomas Winspear, Thomas Weaver, Richard Wright, Richard Waylett, Patrick Worters, Samuel Willingall, Michael Welch, Bartholomew Wright, George Wright, Jacob Wright, John Warner, Richard Wright, Godfrey Webster, Thomas Wright, Thomas Watton, John Arnold Wallinger, Ralph Winter, the Reverend Edward Wise Clerk, the Reverend Samuel Wise, John Walker Clerk, John Wenham, Edward Wise, Isaac Whittington, James Wyatt, White, George White, Thomas Wolfe, the Honourable Charles Yorke, John Young, Thomas Young, and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for repairing, widening, and keeping in Repair, the said Road from the North Part of Harlow Bush Common,

mon, in the Parish of Harlow, to Woodford, in the County of Essex, and for putting in Execution all other the Powers by this Act given:

Qualification of Trustees.

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

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 House of Grace Stokes, commonly called Epping Place, upon the First Tuesday in May, One thousand seven hundred and sixty nine, and proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, to meet at such House or Place, upon some Part of the said Road, as the said Trustees, or any Five or more of them, shall think most convenient: 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, at any Time so assembled, shall omit or neglect to adjourn themselves; the Clerk or Clerks to the said Trustees shall, from time to time, in either of such Cases, by Notice in Writing to be affixed upon all the Turnpikes which shall be erected cross the said Road, or by Advertisement in some Weekly Journal or News Paper usually circulated in the Neighbourhood of the said Road, at least Ten Days before the next Meeting, appoint

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

Officers to account upon Oath.

Officers refusing to account,

Justice may enquire into the Default.

hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; And if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised, by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same, then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County or Place where such Offender shall reside, or be apprehended, until he shall give and make a true and perfect Account and Payment, as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Balance by Distress and Sale.

For want of Distress, Person to be committed,

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, and they are hereby required to take such Security from their Treasurer, as to them, or any Five or more of them, shall seem requisite.

Victuallers not to hold any Place of Profit, &c.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous

Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

Trustees may appoint a Collector in case of Death, &c.

And be it further enacted, That when and as often as any Collector of the Tolls directed by this Act to be taken shall die, or be incapable of performing his or her Duty, or shall be negligent, or misbehave himself or herself therein, it shall and may 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 or she 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.

and oblige Gate-keepers to deliver up Possession of Gates when required.

And be it further enacted, That if any Toll-gatherer, or Person appointed by the said Trustees, or any Five or more of them, in manner directed by this Act, to collect and receive any of the Tolls hereby granted, shall, at any Time or Times, neglect or refuse to quit his or her Employment, conformable to the Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession of the Turnpike or Toll-gate, and Toll-house, to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before One or more Justice or Justices of the Peace of the County of Essex, either upon Confession of the Party, or by the Oath of One or more Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the County or Place, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike or Toll-gate, and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed or appointed, in manner aforesaid; and also to bring the Toll-gatherer or Toll-gatherers, or Collectors, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Two Months.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for the said Road, or any

any of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Waste Ground or Common, River or Brook, in any Parish, Town, or Place, in which any Part of the said Road lies; or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors, or other Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Ground or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Person as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons, not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue, to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees,) paying or tendering Payment for the same, and for the Damages done to such private Lands, over which any Materials, gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five 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 appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, to be holden in and for the said County, on Six Days Notice thereof being given in Writing, by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners 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, shall hear, settle, and determine, the Matter of such Payments and Damages, and the

without paying for the same;

levelling the Pits;

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

Judgement

Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Penalty on taking away Materials, &c. got by Order of the Surveyor, and on Surveyors not taking away Stones which are picked and heaped.

And be it enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for repairing the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) or if the said Surveyors shall neglect or refuse, after Fourteen Days Notice to them given for that Purpose by the Owner or Occupier of any Lands or Grounds, to remove and carry away any such Stones as shall by their Orders be picked up and laid in Heaps upon any Lands or Grounds; every Person, so offending in either of the said Cases, shall forfeit for every such Offence the Sum of Five Pounds.

Surveyors may remove Annoyances, &c.

and cleanse Ditches, &c.

Owners neglecting to remove the same, after Notice;

and cut down Trees, &c.

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, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time to remove and prevent all Annoyances on any Part of the said Road, 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 Road, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and that it shall be lawful for such Surveyor or Surveyors, from time to time, to lop or top any Trees, (Timber Trees excepted) and cut down any Shrubs or

Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto; and to cut down or reduce all such Hedges to the Height of Three Feet, and take, carry away, and sell the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon or near whereunto the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, or reduce such Hedges in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Thirty Days next after Notice in Writing given for that Purpose, to be left at the Capital or Mansion-house belonging to the Land on which the same shall stand, or where the Occupier or Tenant shall reside, under the Hands of Five or more of the said Trustees; the Charges whereof to be settled by the said Trustees, or any Five or more of them, 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 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 Two Pounds.

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 of the said Road, or 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, or cause to be made Causeways, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House stands, nor 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 and widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross 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

and make a temporary Road;

erect Bridges, &c.

making Satisfaction to the Owners.

judged reasonable by the said Trustees, or any Five 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, Common, or Waste Ground.

Penalty on obstructing Surveyors &c. in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, raking, or carrying, of any Furze, Heath, Sand, Gravel, Stones, or other Materials for the altering, widening, or repairing, the Road by this Act intended to be repaired, or in topping, lopping, cutting down, or carrying of any Tree, Lop, Top, or Overhangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse as aforesaid, or doing any other Act in or for the repairing, widening, or altering, varying, turning, shortening, or amending, the said Road, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

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

And be it further enacted, That where any particular Part of the said Road, or any Bridge, Drain, or Sewer, being in and upon the said Road hereby intended to be repaired, which hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County or any Township therein, every such Part of the said Road, Bridge, Drain, or Sewer, so lying in and upon the said Road, shall, from time to time, be maintained and kept in Repair by such Person or Persons, Body Corporate or Politic, or County, Township or Townships, Parishes, Tythings, and Places, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and it shall and may be lawful for the Justices of the Peace for the County wherein such particular Part of the Road, Bridge, Drain, or Sewer, shall lie, and they are hereby required and impowered, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, or their Clerk or Clerks for the time being, to adjudge and determine where, how, and in what Manner, the same, from

from time to time, shall be maintained and kept in Repair.

Trustees may compound for Statute-work.

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, from time to time, during the Continuance of this Act, to compound and agree with all or any of the said Person or Persons, Bodies Politic or Corporate, Township or Townships, Tythings, or Places, who is, are, or shall be, liable or chargeable for or towards repairing of any such particular Part of the said Road, Bridges, Drain, or Sewer (except the Bridges liable to be repaired by the County, which shall continue to be respectively repaired as aforesaid) for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think fit, in lieu of such particular Works or Repairs to be done by such particular Person or Persons, Body Politic or Corporate, Township or Townships, Tythings, or Places as aforesaid.

Owners, &c. of Lands, &c. liable to the Repair of the Road, to continue so.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing or amending any Part of the said Road, such Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and, upon Default of Payment thereof, it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments, shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from time to time, for and towards the amending the Part of the said Road to the Repairs of which such Rents, Profits, Sum or Sums of Money, are or shall be so chargeable, and to no other Use or Purpose whatsoever.

Inhabitants to do Statute-work.

And be it further enacted, That all and every Person and Persons who by Law are or shall be chargeable with

with Statute-work within the Parishes and Places where any Parts of the said Road hereby directed to be repaired do lie, shall yearly and every Year (if thereunto required by the said Trustees, or any Five or more of them) do and perform such Proportion of Statute-work, and on such Part or Parts of the said Road within their respective Townships, Parishes, Tythings, Places, and Divisions, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Road by them appointed, shall appoint and require; and that every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, within any of the said Townships, Parishes, Places, and Divisions respectively, shall be deemed and taken to keep a Team therein; and for every Fifty Pounds a Year which he shall so rent, hold, or occupy, shall do Statute-work with One Team upon the said Road for so many Days as shall be required by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors aforesaid.

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

And, to the End that the said Trustees may know the Inhabitants of, and Occupiers of, Lands, Tenements, and Hereditaments, in all the Parishes, Tythings, Hamlets, and Places, wherein any Part of the said Road lies, who are liable to do Statute-work, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Tythings, Hamlets, and Places, where, or in or for which any Surveyor or Surveyors usually have been, or ought to be, chosen, shall, and they are hereby required, within Ten Days after Notice in Writing, signed by the Clerk, Treasurer, or Surveyor, to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the said Trustees, at any Meeting to be by them held agreeable to such Notice, true and perfect Lists in Writing, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, of the Names of all the Inhabitants of, and Occupiers of, Lands, Tenements, and Hereditaments, in such Parishes, Tythings, Hamlets, and Places respectively, that are liable to do their Statute-work or Duty (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants and

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

Occupiers keep a Team or Teams, or are deemed by this Act to keep a Team or Teams, and which of them are Labourers, or liable to do their Statute Duties as Labourers only; and if the Surveyor or Surveyors of the several Parishes, Tythings, Hamlets, or Places, wherein any Part of the said Road shall lie, shall not deliver in such Lists, as aforesaid, respectively, at or before such Times, and in such Manner, as by this Act are required and directed to be delivered, or shall refuse to verify the same, upon Oath, if thereunto required; or if the Name or Names of any Person or Persons, who ought to have been inserted in such List or Lists, are, by Design, omitted; or if such Surveyor or Surveyors shall refuse or decline to give publick Summons or Notices to such Person or Persons who ought, by Law, to do and perform such Statute Labour or Duty as aforesaid, according to the Directions of the said Surveyor or Surveyors appointed by the said Trustees, such Parish Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Ten Pounds; And if any or either of the Inhabitants of, or Occupiers of, Lands, Tenements, or Hereditaments, in the said several Parishes, Tythings, Hamlets, or Places, being obliged by Law to do Statute Duty in and upon the Highways, shall not do so much Statute work in and upon the said Road, at such Times and Places, and in such Manner, as they shall, by the said Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; that is to say, Every such Inhabitant or Person who shall keep, or, by virtue of this Act, shall be deemed to keep a Team or Teams, for every Day's Default, the Sum of Ten Shillings; and every other Inhabitant or Person liable to work on the said Road as a Labourer only, for every Day's Default, the Sum of One Shilling and Six Pence; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team or Draught, to work on the said Road, shall not attend at the Time and Place appointed, or shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor and Surveyors is and are hereby impowered to remove and turn off such Person and Persons; and in that Case, the respective Forfeitures and Payments before-mentioned shall be incurred and made payable, as if such Person or Persons had refused or neg-

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

neglected to come, or such Team or Draught had not been sent out.

Surveyors may appeal to Two Justices to proportion the Statute work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Tythings, Hamlets, or Places, wherein the said Road, directed by this Act to be repaired, lies, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute-work in any Parish, Tything, Hamlet, or Place, to be done on the said Road, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to Two or more Justices of the Peace of the County or Place, who are hereby authorized to convene the Parties concerned before them, and to hear and determine the Matter in dispute.

Parties dissatisfied may appeal to Quarter Sessions.

Provided always, That in case the Parties, or either of them, shall be dissatisfied with such Determination, it shall be lawful for them, or any of them, to appeal to the Quarter Sessions, in such and the same Manner, as is herein after authorized and directed in other Cases where Persons shall think themselves aggrieved.

Trustees may compound for Statute-work.

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, from time to time, to compound and agree with the Inhabitants of all or any of the said Townships, Parishes, Places, and Divisions, from, to, or through which the said Road leads, (their Consent being first signified in Writing at a Vestry, or other publick Meeting of such Inhabitants, summoned to assemble for that Purpose) or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be by them, or any of them, done on the said Road.

Composition-money how to be recovered.

And be it further enacted, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work to be done by the Inhabitants of any Township, Parish, Place, or Division, as aforesaid, or by any of them respectively, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise, as aforesaid, shall not be paid within Three Calendar Months next after the same shall become payable according to such Composition or Agreement, that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the

County wherein such Township, Parish, Place, or Division, or such Lands, Tenements, or Hereditaments, shall lie, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower such Person or Persons as shall be authorized by the said Trustees, or any Five or more of them, to receive such Composition-money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice or Justices is and are hereby impowered to administer) to levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons so having compounded as aforesaid, or of the Surveyor or Surveyors of the Highways for the time being of such Township, Parish, Tything, Place, or Division, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale shall be thereout first deducted.

Surveyors paying the Composition-money, how to be reimbursed.

And be it further enacted, That if any Surveyor or Surveyors of the Highways for the time being of any Township, Parish, Place, or Division, for or in lieu of whose Statute or Days Work such Composition shall be made as aforesaid, shall pay the Composition-money; or if such Composition-money shall be recovered and levied of his and their Goods and Chattles in Manner herein before directed, then, any in either of the said Cases, such Surveyor or Surveyors shall be repaid or reimbursed the Composition-money which shall be so paid or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for amending the Highways.

No Person to do more than One Day's Statute-work.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to compel or oblige the Inhabitants of any Parish or Place to do or perform more than One Day's Statute-work in any One Year upon the said Road, or any Part or Parts thereof; any thing in this Act to the contrary notwithstanding.

Road may be turned thro' Moors, &c.

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 from time to time to widen the said Road, or to divert, turn, shorten, vary, or alter, the Course or Path of any Part or Parts thereof, through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making

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, from time to time, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by such widening, diverting, turning, shortening, varying, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Ideots, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands or Hereditaments, 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 exchange with, 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 Purpose aforesaid; 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, 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, 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 other 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,

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

Persons neglecting to treat for the Sale of Lands;

legiate, Corporations 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, for the Space of Twenty one 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 Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of Essex; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any One or more of the said Trustees is and are hereby impowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means as well for their own as for the said Jury's Information of the Premisses; and after the said Jury shall have enquired 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 Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all other 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 of Essex, requiring him to impannel, summon, and return an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Trustees may issue a Warrant to the Sheriff, &c. to impannel a Jury.

such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall 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, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; And the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines upon 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 who shall not appear, or appearing, 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 neglect 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, recovered, and applied, in such Manner as the Penalties and Forfeitures are herein after directed to be levied, recovered, and applied; so that no such Fine be more than Ten Pounds, nor less than Two Pounds, 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 10*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 aforesaid, or out of the Monies to be borrowed upon the Credit of such Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers 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 widen,

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

widen, divert, or turn such Road through such Lands or Hereditaments, and to do all and every Act, Matter, and 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 of the said Road as shall be widened, 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 Road 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 Road hereby appointed to be repaired is by this Act 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 Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be exchanged or 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 that Part of the said Road so diverted and turned; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Lands, &c. purchased to be made Part of the Road, and esteemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be injured.

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

Trustees not to act where interested.

Provided also, That in case the Owner or Owners of any Lands adjoining to the Lands constituting the former Road, shall signify in Writing to any Five or more of the said Trustees, before the new Road shall be compleated, his, her, or their Desire to purchase so much of the said former Road as shall adjoin to his, her, or their Lands; such Owner or Owners shall be allowed to purchase the same in preference to any other Person.

Owners of adjoining Lands near the old Road to have the Preference in Sale.

And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence for the Right, Interest, or Property,

Charges of Jury, &c. how to be defrayed.

perty, of any Person or Persons in any Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been ageed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid; that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Roads to be measured, and Mile-stones erected.

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 and required to cause the said Road 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 also within the same Time, to erect Guide or Direction Posts, with such Inscriptions thereon, as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription that 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 Offences 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 Two Pounds for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid

Penalty on defacing Mile-stones.

to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures 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 House of Correction, for any Space not exceeding Two Months, nor less than Ten Days, unless such Forfeitures 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 to be dealt with according to the Directions of this Act.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, 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 any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

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, (if the Manner of levying and Recovery thereof is not otherwise directed) shall upon Proof of the Offence respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice; (which Warrant such Justice is hereby impowered and required to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from

time

time to time paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace, as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Constable, &c. to execute Orders of the Trustees.

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

Trustees may reward such Constables.

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

the following Form of Words, as the Case shall happen, or in any Form of Words to the same Effect:

Form of Conviction.

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

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

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and within Three Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Six Days Notice 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 Two Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, 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 Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form,

nor removeable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where

where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on the Behalf of the Party diſtraining before ſuch Action brought.

Diſtreſs not unlawful for want of Form,

nor the Parties diſtraining deemed Treſpaſſers *ab initio*.

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

Writings to be without Stamps.

And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, at their ſeveral Meetings to be held by Adjournment, or upon Notice to be given by the Clerk, or, in caſe of his Neglect or Default, by Two Truſtees as aforeſaid, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, when entered, ſhall be ſigned by the ſaid Truſtees, or any Five or more of them; and the ſaid Orders and Proceedings, ſo ſigned, ſhall be deemed and taken to be Original Proceedings, and ſhall and may be produced and read in Evidence in all Caſes of Appeals, Suits, Actions, and other Proceedings, touching any thing done by the Authority of this Act.

Proceedings to be entered in a Book.

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 one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees; or after sufficient Satisfaction or 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 Matter shall arise, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may, at his or their Election, plead specially, General Issue. or the General Issue, Not Guilty, 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 one 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 Defendants shall Treble Costs. recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, 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.

FINIS.