Anno nono

Georgii III. Regis.

An Act for repairing and widening the Road from *Dalby Moor* in the County of *Derby*, to *Ellaſton* in the County of *Stafford*; and from thence to the Turnpike Road between *Leek* and *Aſhborne*, in the ſaid Counties of *Derby* and *Stafford*.

Preamble.

WHEREAS the Road leading from the Turnpike Road between Sudbury and Aſhborne, at or near a Place called Darley Moor in the County of Derby, to Ellaſtone in the County of Stafford; and from thence through Ramſor to the Turnpike Road between Blyth Marſh and Thorpe, at or near the Three Lows, in the ſaid County of Stafford; and to the Turnpike Road between Leek and Aſhborne, between Botham Houſe and Winkell Bridge, is in a very ruinous Condition, frequently annoyed with Floods, and is too narrow in ſome Parts, and cannot be effectually amended and kept in Repair by the ordinary Courſe of Law: May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; Sir William Bagot Baronet, John Wrotteſley, the Honourable George Vernon, the Honourable Henry Vernon, Doctor John Addenbrook, Richard Fitzherbert, Iſaac Hawkins Brown, Chambers Bates, Godfrey Clarke, Godfrey Bagnal Clarke, Henry Cavendiſh, Brook Boothby, Richard Beresford, Wenman Coke, Mead Wilmot, John Giſborne, Doctor Harding, John Burroughs, John Fitzherbert Clerk, Iſaac Dance, Henry Scott, Thomas Chawner, Henry Chawner, the Reverend George Fletcher, Thomas Fiſher, Sampſon Copeſtake, Sampſon Copeſtake junior, Thomas Dockſey, Chattope

Truſtees Names.

Chattope Clarke, the Reverend Doctor Taylor, the Reverend Simon Mills, William Bowyer junior, Arthur Bower, John Massey, Barnard Granville, Thomas Fitzherbert, Richard Davenport, Thomas Ley, the Reverend David Miles, William Cotton Doctor of Laws, the Reverend Edmund Evans Clerk, James Unwin, Thomas Gilbert, Thomas Bambridge, George Challoner, the Reverend John Bill, Edward Coney, John Gilbert, Robert Hurst, Francis Leigh, Edward Leigh, Thomas Milles, John Phillips of Jean, John Phillips of Heathouse, the Reverend Francis Ward, Richard Hill, Thomas Ball, Charles Barnes, John Child, George Port, George Smith of the Eaves, Uriah Caurden, William Manifold, Sampson Whieldon, John Smith, Thomas Beard, Richard Sutton, John Musgreve, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for putting this Act in Execution.

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, 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.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of Charles Smith of Ellaston in the said County of Stafford, the Tuesday Three Weeks after passing this Act, and proceed to the Execution of this Act; and shall then chuse a Clerk or Clerks to write their Orders, and take Minutes, and make

make Entries of their Proceedings, and for other Purposes; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places, within or near the said Road, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient for putting this Act into Execution: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon or across the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet, at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present, and until Ten Days previous Notice shall have been given by the said Clerk to One or more of the Trustees making such Order or Resolution of an Intention to revoke or alter the same; nor shall any Trustee be capable of acting in Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

No Order to be made unless a Majority of Trustees shall concur therein;

nor revoked, unless Seven be present.

Trustee not to accept a Place of Profit.

Trustees who are in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That when and so often as any Trustee 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 One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be

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

given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Road, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were invested with.

Trustees may erect Turnpikes and Toll-houses,

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

and take Toll thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or other Beast, loaden or unloaden, and not drawing, the Sum of One Penny.

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

And for every Drove of Calves, Hogs, Sheep, 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, or as a Toll: And if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for any Person or Persons appointed to collect such Tolls, to seize and distrain any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or on any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

sell

sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned. Tolls vested in Trustees.

Provided always, That no Tolls shall be taken in respect of any Horse, Cattle, or Beast, which shall only cross the said Road. No Toll for crossing the Road.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons, who shall injure or disturb them the said Trustees in the Possession thereof. Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the present Bridge and Wear at Ellaston, in the Road hereby directed to be amended, shall be, and the same is hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to remove the same, and apply the Materials of which the same consist, or sell the same, and apply the Money arising therefrom towards erecting a new Bridge there, or for any other the Purposes of this Act. The Bridge and Wear at *Ellaston* vested in the Trustees, &c.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied upon, or in respect of the said Road, or the Monies to be borrowed in respect thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in and in relation to the obtaining of this Act; and afterwards, all the Monies and Tolls to be collected and levied within, upon, or in respect of the Road hereby directed to be repaired, and the Monies to be borrowed upon the Credit thereof, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Road, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from time to time direct. Application of the Monies.

And

Trustees may lessen the Tolls,

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at their First Meeting, and from time to time, assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and to order and direct such Tolls, so lessened and reduced, or advanced, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Twenty Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, of the Intention of making such Reduction.

and raise them again.

Tolls to be paid but Once a Day.

Provided always, That no Person shall be liable to pay more than Once for passing at any Time or Times with the same Horses, Cattle, or Carriages on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, though all or any of the Turnpikes to be erected by virtue of this Act; such Person producing a Note or Ticket, Notes or Tickets, denoting such Payment; which Notes or Tickets the Collectors of such Tolls are hereby required to give gratis on Receipt of the Toll.

Trustees may compound with Travellers,

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, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding Three Years at any One Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Road, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, consistently with the General Turnpike Road Act, so that no such Composition shall be made for any Cattle or Carriages travelling for hire; and also such Composition-money shall be paid Quarterly in advance to the Treasurer or Treasurers of the said Road; and

to in

in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and also such Compositionmonies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

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

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of such Ground, Land, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with such Toll; every such Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum

or taking off Horses, &c.

of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Parish or Townships in which any Part of the said Turnpike Road doth lie; or with Hay, Straw, or Corn in the Straw only, or Muck, Dung, Compost, or other Materials (Lime only excepted) for the manuring and improving of Land, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Plows, Harrows, or Implements of Husbandry, for the manuring, cultivating, or improving of Land; or to or for any Person or Persons residing in any of the Parishes or Townships in which the said Road doth lie, going to or from their proper Parochial Church, Chapel, Meeting-house, or other Place of religious Worship, on Sundays and Holidays; or for any Person or Persons attending upon and going with the Corps of any Person or Persons dying, and being buried in any One of the Parishes or Townships through which the said Road doth lie; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture in any of the Parishes, Liberties, or Townships, where the said Road doth lie; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed in the conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Stafford or Derby respectively, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, he or they shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty on making illegal Claims.

Tolls may be assigned for Money borrowed.

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, at their First or any other subsequent Meeting to be held in pursuance

of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum and Sums of Money as they, or any Five or more of them, shall think fit; and may and are hereby impowered to assign over or mortgage the said Tolls, or any Part or Parts thereof, the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose:

Form of Assignment.

BY virtue of an Act made in the Year of the Reign of His Majesty King *George* the Third, we of the Trustees do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord until the said Sum of with Interest at the Rate of *per Centum per Annum* shall be repaid, such Proportion of the Tolls arising by virtue of this Act between as the said Sum of shall bear to the Whole Sum advanced on the Credit of the same.

Assignments to be entered in a Book.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such first Meeting, unless Notice in Writing be for that Purpose fixed upon all the Turnpikes in or upon such Road for which such Money shall be borrowed, at least Fourteen Days before the borrowing thereof; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Notice to be given of borrowing Money.

Assignments may be transferred.

Form of Transfer.

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

Witness *G. H.* *J. K.*

Entries to be made of all Assignments.

Which said Transfer of Assignment shall be produced and notified to the said Clerk or Treasurer; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties,

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

Clerk's Fee.

All Creditors deemed equal in Degree.

Trustees may appoint Officers.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and from time to time to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons,

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons, 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 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 Five or more of them, are hereby impowered to administer, verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any One of them, against the Officer or Officers, Person or Persons, neglecting or refusing as aforesaid, in order for the recovering 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 are hereby authorized and required, by a Warrant or Warrants under his or their Hand

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into Default.

Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so neglecting or refusing, 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 Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Monies to be raised 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 levying and raising the same; then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall 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 have delivered up such Books, Papers, and Writings, as aforesaid, and given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Matter to be determined in a summary Way.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

until Payment, or Composition made.

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

Treasurer, &c. to give Security.

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

Trustees may appoint Collectors though not at a publick Meeting.

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

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

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

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Road, 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, Stone, Gravel, Sand, or other Materials proper for the making and repairing of the said Road, or for the Purpose of building or repairing of Toll-houses and Bridges, and making of Fences in and upon the said Road, out of or from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Road doth lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stone, Gravel, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers, or Brooks, contiguous to that Part of the said Road intended therewith to be made and repaired; then, and in such Case, the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, in and over which any such Materials are gotten and conveyed, in any such Waste Grounds, Commons, Rivers, Brooks, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same;

levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And

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 Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and 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; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes; or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such manner as the Penalties and Forfeitures are hereinafter directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice;

Charges to be reimbursed to the Surveyors,

Penalty on a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors 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 Causeways, and also Ditches or Drains, in and upon the said Road, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road forty Feet in Width; and also to

make

make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Road, such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, to be made use of as a Publick Highway whilst the Old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any 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 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 Moor or Waste Ground.

and make a temporary Road;

erect Bridges, &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 to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads through any Moor or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, 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, Idiots, 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,

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

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

to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, 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, Corporation 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:

Where Persons refuse to treat, &c.

And if any such Body Politick, Corporate, or Collegiate, Corporation 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 Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned, or altered, shall, for the Space of One Calendar Month 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 County wherein such Lands and Hereditaments do lie; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses, which Oath any Five or more of the said Trustees are hereby impowered to administer; and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon

Jury to assess the Recompence on Oath.

Witnesses may be summoned and examined upon Oath.

upon Oath, adjudge, and determine, the Sum or Sums of Money, to be 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, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any 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, 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

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff to impanel a Jury.

Jurors may be challenged.

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

Meaning

Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or, appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Fines not to exceed 5*l.* or be less than 40*s.*

Expences of the Juries how to be borne.

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, of any Person or Persons in any Lands or Hereditaments, 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 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, 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 agreed 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; 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.

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon account of the Road so intended to be diverted, turned, or altered, 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 Clerk or Clerks to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation

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 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 Roads hereby appointed to be repaired are by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new 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 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 Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof, any thing herein contained to the contrary notwithstanding.

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, or purchasing of, any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Where a new Road is made over any Moor, &c. old Road not liable to be repaired by the Inhabitants.

And whereas some Parts of the Road by this Act directed to be repaired lie over several Moors, Commons, Waste Grounds, Open Fields, or Pastures, and if the same were to be inclosed, the said Road may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Road over any Moor, Common, Waste Ground, Open Fields, or Pastures, shall be made or repaired in pursuance of this Act, the said Road or Roads shall for ever thereafter be and remain

Road over Moors, if inclosed, not to be less than 60 Feet in Width.

Sixty Feet broad, and be deemed a Publick and Common Highway.

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

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

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

every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads do lie, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Fourteen Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish, in such Lists, which of such Persons shall, or by this Act shall be deemed, to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams;

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

Inhabitants to do Statute-work.

and the Statute-work shall be done by all such Persons on such Parts of the said Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall from time to time direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, so

Churchwardens, or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Fourteen Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such Public Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

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

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Town-

Trustees may compound for Statute-work.

ships,

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

ships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry or other Public Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Road in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors paying the Composition-money how to be reimbursed.

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

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than on Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads to the Prejudice thereof; or shall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, or lying near or adjoining to, the said Roads; or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads or such Causeway as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeway; every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted 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 Roads to be measured, and Stones or Posts to be set up in, upon, or near, the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and also 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

Penalty on defacing Mile-stones.

rate 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 Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction within the County where ſuch Offence was committed, there to remain without Bail or Mainprize for any Space not exceeding Three Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid; and every ſuch Offender in either of the ſaid Caſes ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender to a Juſtice of the Peace of the ſaid County to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, if the Manner of Levying and Recovery thereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or 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 or Warrants under the Hand and Seal of ſuch Juſtice, which Warrant or Warrants ſuch Juſtice is hereby impowered and required to grant for thoſe Purpoſes; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners

of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to applied by this Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Road in relation whereunto or in respect whereof such Offence shall be committed: 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 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, within the County where such Offence was committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

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 the next General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; such Appellant first giving or causing to be given Ten entire Days Notice at the least in Writing, if there shall be so many before such Session, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Road; 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.

Distress not deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the

Party

Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case,

nor the Parties distraining be deemed Trespassers *ab initio*

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

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

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them; or under the Hands and Seals, or Hand and Seal, of, or only signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

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

Proceedings to be entered in a Book.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That

Commencement and Continuance of this Act.

That this Act shall commence and have Continuance from the Day of passing thereof for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed for want of Form.

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten 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 Counties of Derby or Stafford, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may at his Election

General Issue.

plead Specially, 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 Ten 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 recover

Treble Costs.

Treble Costs, and have such other Remedy for the same as any Defendnat 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.