ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

***

Reverend *Francis Palmer*, the Reverend *Francis Rufford*, the Reverend *William Squire Rufford*, the Honourable *Robert Seymour* commonly called Lord *Robert Seymour*, the Honourable *Henry Seymour* commonly called Lord *Henry Seymour*, Sir *Edward Joseph Smythe* Baronet, Sir *John Throckmorton*, Baronet, *William Throckmorton*, and the Honourable *Francis Seymour Conway* commonly called the Earl of *Yarmouth*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Truſtees for amending, widening, ſhortening, improving, and keeping in Repair the ſaid Road, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe (of which Meeting and of the Purpoſe thereof Thirty Days Notice ſhall be given, as is hereinafter directed reſpecting the Appointment of Truſtees on Vacancies,) to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Twenty, to be Truſtees for the Purpoſes of this Act, in Addition to the Truſtees hereby nominated and appointed.

Power to elect other Truſtees.

III. And be it further enacted, That when and as often as any of the Truſtees hereby appointed, or to be elected and appointed in Manner hereinmentioned ſhall die, or by Writing under their Hands, refuſe to act in the Execution of this Act, it ſhall be lawful for the remaining or ſurviving Truſtees from Time to Time, to elect and appoint one or more fit and proper Perſon or Perſons to be a Truſtee or Truſtees, in the Room of every Truſtee or Truſtees dying or refuſing to act as aforeſaid; provided that public Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election, be given by the Clerk to be appointed by the ſaid Truſtees, as hereinafter is mentioned, by affixing the ſame in Writing upon all the Toll Gates then erected and being upon the ſaid Road, and by inſerting ſuch Notice in one or more of the Newſpapers publiſhed within the County of *Warwick*, Thirty Days at leaſt before every ſuch Meeting; and every Perſon who ſhall be elected and appointed a Truſtee or Truſtees purſuant to the Directions of this Act, ſhall and may act with the ſurviving and remaining Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he or they had been named and appointed Truſtees in and by this Act.

Qualification of Truſtees.

IV. And be it further enacted, 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 Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements or Hereditaments, of the clear Yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of One thouſand Pounds; and if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall 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 Eſſoign, Protection or Wager of Law, nor 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 being given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings by any ſuch Perſon, as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtees to take an Oath.

V. Provided alſo, and be it further enacted, That every Truſtee appointed, or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath next hereinafter mentioned, at the Firſt or Second Meeting of the ſaid Truſtees,) ſhall take an Oath before Three or more of the ſaid Truſtees (who are hereby empowered to adminiſter the ſame,) in the Form or to the Effect following; that is to ſay,

'I, *A. B.* do ſwear, That I am in my own Right [*or*, in the 'Right of my Wife,] truly and *bonâ fide* ſeiſed or poſſeſſed 'of, and in the actual Poſſeſſion or Receipt of the Rents and Pro- 'fits of Meſſuages, Lands, Tenements or Hereditaments, of the 'clear Yearly Value of Fifty Pounds above Reprizes; [*and in caſe 'of an Heir Apparent*,] I, *A. B.* do ſwear, That I am Heir Appa- 'rent of *C. D.* who, to the beſt of my Knowledge and Belief 'is truly and *bonâ fide* ſeiſed or poſſeſſed of, and in the actual 'Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, 'Lands, Tenements or Hereditaments of the clear Yearly Value 'of One hundred Pounds above Reprizes; [*and in the Caſe of 'Perſonal Eſtate*,] I, *A. B.* do ſwear, That I am truly and *bonâ 'fide* poſſeſſed of a clear Perſonal Eſtate, of the Amount or 'Value of One thouſand Pounds, and that I will truly and faith- 'fully execute the Powers and Truſts repoſed in me by an Act 'of Parliament paſſed in the Fifty-fourth Year of His Majeſty 'King *George* the Third, intituled, [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Truſtees holding Places of Profit not to act. Juſtices may act in both Characters.

VI. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of the Peace within their reſpective Juriſdictions, in the Execution of this Act, notwithſtanding their being Truſtees (except only in Caſes where they ſhall be perſonally intereſted;) nor ſhall any Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, be on that Account deemed unqualified to act as a Truſtee in the Execution of this Act.

Victuallers not to be Officers.

VII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe or other Houſe of public

or act as Truſtees.

public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Place of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

General Meetings of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at ſome one of the public Inns, or at ſome other convenient Houſe or Place in *Aulceſter* aforeſaid, on the Second *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and the ſaid Truſtees ſhall then and from Time to Time afterwards adjourn themſelves and meet at the ſame Place, or at ſuch other Place in the ſaid Town of *Aulceſter*, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; 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, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, acroſs or on the Sides of the ſaid Road, and to be inſerted in one or more of the Newſpapers publiſhed within the County of *Warwick*, at leaſt Fourteen Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Month next after the Day on which ſuch laſt Meeting was appointed: Provided always, that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any Meeting to be holden under this Act, before the Hour of Twelve in the Forenoon; nor ſhall any Adjournment be made, or any Meeting appointed to be held at any later Hour than Four in the Afternoon of the Day on which ſuch Meeting is appointed to be held.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Meeting not being leſs than Fourteen Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments;

journments; and the ſaid Truſtees or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements, in the Execution of this Act; and no ſuch Order, Agreement, or Determination ſhall be made unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given at leaſt Fourteen Days before in ſome public Newſpaper uſually circulated within the ſaid County, of the Intention to apply to, revoke or alter the ſame, nor unleſs a greater Number of Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion, including the Vote of the Chairman, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

How Orders of the Truſtees are to be made and revoked.

Truſtees to pay their own Expences at Meetings.

Chairmen to have a caſting Vote.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

All Acts may be done by Five Truſtees, unleſs otherwiſe directed.

XI. And be it further enacted, That all Orders and Proceedings of the Truſtees 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 Truſtees making the ſame, or by their Clerk; which Book or Books, and alſo all the Book or Books hereinafter directed to be kept for regiſtering Mortgages and Aſſignments, or Transfers thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Orders, &c. to be entered.

XII. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their reſpective Hands, to appoint one or more Collector or Collectors of the ſaid Tolls, and a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers, as the ſaid Truſtees ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove; and on Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them, or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall

Appointing Officers, Salaries, &c.

How Officers ſhall account.

ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, upon Oath (which Oath any One of the ſaid Truſtees, being a Juſtice of the Peace, is hereby empowered to adminiſter), of all Monies which they and every of them reſpectively ſhall have received to that Time 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 or any of their Hands, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall refuſe or neglect to pay the Money due on ſuch Account, in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, or Writings in his Cuſtody or Power, relating to the Execution of this Act, then, and in every or any of the ſaid Caſes, upon Complaint being made by any Three or more of the ſaid Truſtees, it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Warwick*, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes (which Oath ſuch Juſtices are hereby empowered and required to adminiſter,) or upon Inſpection of the ſaid Accounts, if produced, it ſhall appear to ſuch Juſtices that any of the Money which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons; ſuch Juſtices may and they are hereby authorized and required, on Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or if ſuch Officer or Officers, or other Perſon or Perſons, ſhall not appear before the ſaid Juſtices, unleſs for ſome ſufficient Excuſe, at the Time and Place by them appointed for that Purpoſe, or, if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtices an Accouut or Accounts of all Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof, on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers and Writings in his, her, or their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Road; then, and in either of the Caſes aforeſaid, ſuch Juſtices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit ſuch

Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction of the ſame County, there to remain without Bail or Mainprize, until he ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make,) or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be ſo committed for want of ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act, for a longer Space of Time than Six Calendar Months.

Treaſurer, &c. to give Security.

XIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices; and no ſuch Treaſurer, Receiver, Collector or other Officer, ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Truſtees may appoint temporary Collectors in certain Caſes.

XIV. And be it further enacted, That upon the Death, Incapacity, Abſconding or Abſence of any Collector or Receiver of Tolls, any Three or more of the ſaid Truſtees, though not aſſembled at any General Meeting of the Truſtees appointed by virtue of this Act, by Writing under their reſpective Hands, ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the ſtead of ſuch Collector or Receiver as ſhall ſo die, become incapable, abſcond, or abſent himſelf; and every Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to; and if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf or be diſcharged, or any other Perſon having the Poſſeſſion of any Toll Houſe or Buildings to be erected or ſet up by virtue of this Act, ſhall neglect or refuſe to deliver up ſuch Poſſeſſion for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, or by their Clerk or Treaſurer; then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Warwick*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees or any Three or more of them, or any of their Officers in the Poſſeſſion thereof.

No Truſtee ſhall vote for Officers who

XV. Provided always, and be it enacted, That after the firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee

has not acted in the preceding Year.

Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officers reſpectively, upon Death or any other Vacancy or Vacancies, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act, at leaſt once within the Space of one Year next preceding the Time of ſuch laſt mentioned Nomination or Appointment.

Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer.

XVI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of any ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees; but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees, ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk and Treaſurer in whoſe Name any Action or Suit ſhall be commenced, ſued, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

How Expences to be paid.

Power to erect Toll Gates, Toll Houſes, &c.

XVII. And, for the Purpoſe of collecting and receiving the Tolls herein granted and made payable, be it enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct and appoint, ſhall and may erect or cauſe to be erected ſuch and ſo many Toll Gates or Toll Bars, in, upon or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gates or Toll Bars on the Sides of the ſaid Road, and in, upon or acroſs any Street, Lane or Byeway, that does or ſhall lead into or out of the ſame, as they the ſaid Truſtees ſhall think proper and expedient (ſubject nevertheleſs to ſuch Reſtrictions and Directions as are hereinafter mentioned concerning the ſame;) and alſo ſhall or may erect or provide a Toll Houſe with ſuitable Buildings, a Garden and other Conveniencies, not exceeding One Rood of Land, at or near each of the ſaid Toll Gates or Toll Bars.

Toll Houſes, &c. veſted in Truſtees.

XVIII. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſts, Rails and Fences, which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided for repairing the ſaid Road, ſhall be veſted in the ſaid Truſtees for the Time being; and they are hereby authorized and empowered to apply and diſpoſe of the ſame as they ſhall think fit, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute, or order and direct the preferring and proſecuting of any Informations or Indictments againſt any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure or damage any of the Toll Gates or

Toll

Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſt, Rails and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforeſaid.

Power to remove Toll Gates.

XIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Toll Bars which ſhall be erected in, upon, or acroſs, or on the Side or Sides of the ſaid Road by virtue of this Act, to be removed to and erected in, or diſcontinued, upon or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Road, as the ſaid Truſtees or any Five or more of them ſhall from Time to Time order and direct; provided that none of the ſaid Toll Gates or Toll Bars ſhall be removed or diſcontinued as aforeſaid, unleſs Fourteen Days' previous Notice of the Intention to remove or diſcontinue the ſame ſhall have been given in one or more of the Newſpapers publiſhed within the County of *Warwick* aforeſaid, and alſo affixed in Writing upon all the Toll Gates then ſtanding upon the ſaid Road.

Power to take Tolls.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Toll Gates or Toll Bars, or Toll Gate or Toll Bar, which ſhall be erected in, upon, or acroſs, or on the Side or Sides of the ſaid Road by this Act directed to be amended, widened, ſhortened, improved, and kept in Repair, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the ſaid Road, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night;) that is to ſay,

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Barouche, Curricle, Phaeton, Gig, Taxed Cart, or other ſuch Carriage, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other Carriage of the like Sort, drawn by Five or more Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every Waggon, Wain, Cart, or other Carriage of the like Sort, drawn by Four or a leſs Number of Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Cart drawn by One Horſe the Sum of Eightpence:

For every Cart drawn by more than One Horſe, the Sum of One Shilling:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence per Score, and ſo on in Proportion for any greater or leſs Number:

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Fivepence per Score, and ſo on in Proportion for any greater or leſs Number:

And that on every *Sunday*, during the Continuance of this Act, there ſhall, under the Proviſions and Reſtrictions in this Act contained, be demanded and taken at the ſaid Toll Gates reſpectively, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, double the ſaid reſpective Tolls.

Tolls veſted in the Truſtees.

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, be permitted to paſs through any ſuch Toll Gate or Toll Bar; and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is hereinafter mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized, to ſeize and diſtrain any Horſe, Cattle, or Beaſt, together with their Bridles, Saddles, Harneſs, or Accoutrements, or any Carriage with its Lading upon which any Toll is by this Act impoſed, (but no ſuch Bridle, Saddle, Harneſs, or Accoutrements, ſhall be ſo ſeized without detaining and ſeizing the Horſe or other Beaſt bearing the ſame,) or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels ſo diſtrained, or a ſufficient Part of ſuch Goods and Chattels, and out of the Money which ſhall ariſe by ſuch Sale, pay ſuch Tolls and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

Number of Tolls limited.

XXI. Provided always, and it is hereby enacted and declared, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons paſſing and repaſſing the ſame Day with or driving the ſame Horſes, Cattle, Sheep, Beaſts or Carriages, through all the Toll Gates or Toll Bars which ſhall be erected by virtue of this Act; and that all and every Perſon and Perſons having paid the full Toll impoſed by this Act, at any one of ſuch Toll Gates, and producing a Note or Ticket denoting the Payment thereof (which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Toll,) ſhall paſs and repaſs during the ſame Day any Number of Times, with the ſame Horſes, Cattle, and Carriages Toll-free, through all other the Toll Gates ſo to be erected as aforeſaid.

For ſettling Diſputes concerning Tolls.

XXII. And be it further enacted, That if any Diſputes ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or other Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Warwick*, who, on Application made to him for that Purpoſe, ſhall examine

mine the Matter on Oath of the Parties or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Attendance of the Collector or other Perſon for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined and aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon, before he ſhall be compellable to return the ſaid Diſtreſs or Overplus, or any Part thereof.

Collectors declared competent Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be incompetent on account of his being appointed to collect ſuch Tolls, to give Evidence in any ſuch Diſpute, Suit, or Litigation.

To prevent Evaſion of Tolls.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt or Carriage whatſoever, in order to avoid Payment of the ſaid Tolls or any of them, paſs through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of ſuch Land or Ground, or his or their Servant or Servants,) the ſame not being a common Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt or Carriage to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof ſhall be evaded, or with Intent to evade the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon other than the Collectors of ſuch Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the ſaid Tolls, or ſhall forcibly paſs through any Toll Gate or Toll Bar with any Horſe, Cattle, Beaſt or Carriage, or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Ox, or any other Cattle or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts of the ſaid Tolls ſhall be evaded, 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 evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, or with ſuch Intent ſhall unload any Goods from any Carriage; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Exemptions from Tolls.

XXV. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Cattle drawing any Carriage paſſing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the ſaid Road, going for, or carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed on or about the ſaid Road, or for repairing any of the Highways in the Pariſhes or Places which are liable to perform Statute Duty, upon any Part of the ſaid Road, or on returning having been ſo employed; nor carrying or conveying Hay, Straw, or Corn in the Straw, not ſold or to be ſold or diſpoſed of, but going to be laid up in the Houſes, Outhouſes, Barns or Yards of the Owners thereof, or returning empty having been ſo employed; nor any Plough, Harrow, or other Implement of Huſbandry to be

be uſed in the Cultivation of Lands, nor any Mould, Dung, Aſhes, Soil or Compoſt for the manuring of Lands, (Marl and Lime excepted,) or when going for or returning empty, having been ſo employed; nor from any Clergyman going to or returning from viſiting any of his ſick Pariſhioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Miniſterial Duty; nor from any other Perſon or Perſons reſiding in the ſaid Pariſhes or Places, who ſhall paſs through any of the ſaid Toll Gates or Toll Bars to or from Church, Chapel, or other Place of Religious Worſhip, ſituate within any of the ſaid Pariſhes or Places, on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes or Places; nor for any Horſe, Mare, Gelding, Mule, Aſs, or Cattle, kept within ſuch Pariſhes or Places, going to or returning from Work in cultivating Lands therein; nor for any Horſe or Cattle going to or returning from Water or Paſture, or going to or returning from being ſhod or farried; nor for any Sheep going to or returning from any Waſh, Dike, River, or other Place uſed for the Waſhing of Sheep in any ſuch Pariſhes, or for any Sheep going to or returning from any Place uſed for clipping or ſhearing of Sheep in any ſuch Pariſhes; nor for any Horſe or Carriage of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; nor for the Horſes of Officers and Soldiers on their March or on Duty; nor for Carriages, or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that all ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption, and not otherwiſe; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance or Barrack or other public or Commiſſariat Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Carriage, Horſe, or other Beaſt, employed in the Conveyance of Vagrants travelling with legal Paſſes, or returning after having been ſo employed; nor for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Warwick*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid (not being entitled thereto,) every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that no Tolls ſhall be demanded or taken for any Horſe, Cattle, or Carriage, which ſhall not go or paſs more than Fifty Yards upon the ſaid Road.

XXVI. And

Carriages employed in His Majesty's Service, not to be subject to Regulations for Overweight.

XXVI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart, or other Carriage, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Tolls may be reduced.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable at all or any of the Toll Gates to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty Days' previous Notice thereof shall be affixed in Writing upon all the Toll Gates then erected across the said Road, and also inserted in one or more of the Newspapers published or generally circulated in the County of *Warwick*.

Trustees may compound for Tolls.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which the said Road leads or passes, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates to be erected on the said Road, or on the Sides thereof; which Composition shall be paid yearly in advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Power to lease the Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf, in and by an Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain, *called* England, *and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Road, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants

Covenants as the ſaid Truſtees ſhall think fit; they the ſaid Truſtees taking a Counterpart of all ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and Perſons to whom ſuch Tolls ſhall be leaſed and demiſed, for Payment of the Rents, and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXX. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, and to uſe all ſuch Means and Methods for the Recovery thereof, in caſe of Non-Payment or Evaſion, as any Collector of the ſaid Tolls, appointed under or by virtue of this Act, is by this Act authorized and empowered to uſe; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Tolls, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees, is ſubject or liable to.

Penalty on Renters of Tolls compounding for Overweight.

XXXI. And be it further enacted, That no Leſſee or Leſſees, or Farmer or Farmers of the Tolls, at any Toll Gate or Toll Bar to be erected upon the ſaid Road, or his or their Deputy or Deputies, Agent or Agents ſhall make any Compoſition, by the Year or otherwiſe, with the Inhabitants of any Town or Place, or with any Perſon or Perſons whomſoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the ſaid Road, for or in reſpect of the Overweight thereof; and in caſe any Leſſee or Farmer, or Deputy or Agent, ſhall offend herein, every ſuch Leſſee or Farmer, or Deputy or Agent ſhall on Conviction, thereof by Confeſſion, or upon the Oath of One Witneſs before any Two of His Majeſty's Juſtices of the Peace for the County of *Warwick*, forfeit and pay, beſides the Coſts and Charges attending the Conviction any Sum not exceeding Forty Shillings, and ſhall alſo forfeit his or their Contract or Leaſe for renting the Tolls, if the Truſtees, or any Five or more of them, ſhall think proper to order that the ſame ſhall be thereupon vacated and made void; and every ſuch Compoſition ſhall be and the ſame is hereby declared to be null and void; and that One Moiety of every ſuch Penalty as aforeſaid ſhall be paid to the Informer, and the other Moiety to the Clerk or Treaſurer of the ſaid Road, to be applied towards the Repairs thereof; the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

For borrowing Money on Security of Tolls.

XXXII. 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, at any Meeting, to borrow and take up at Intereſt upon the Credit and Security of the Tolls to ariſe by virtue of this Act, in ſuch Manner as they ſhall think proper, ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think fit; and for ſecuring the Repayment of all ſuch

Sum

Sum and Sums with Intereſt, they the ſaid Truſtees, or any Five or more of them, are hereby empowered from Time to Time by any Writing or Writings under their Hands, to demiſe or mortgage the ſaid Tolls, or any Part or Parcels thereof, and the Toll Gates and Toll Houſes for collecting the ſame, during the Continuance of this Act (the Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security or Securities to any ſuch Subſcriber or Subſcribers as aforeſaid, or to any other Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with Intereſt for the ſame; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act, paſſed in the Fifty-fourth Year of the Reign of His Majeſty, King *George* the Third, intituled, [*here ſet forth the Title of this Act*,] We, Five of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of in Hand advanced and paid by *A. B.* of to the Treaſurer of the ſaid Road, Do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, for and during the Continuance of this Act, ſuch Proportion of the Tolls to ariſe upon the ſaid Road, and the Toll Gates and Toll Houſes already or hereafter to be made and erected for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum now or hereafter to become due and owing on the Security thereof; to be had and holden from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of per Centum per Annum, ſhall be ſooner repaid and ſatisfied. Given under our Hands this Day of

Copies to be entered.

And Copies of all ſuch Mortgages, or Mortgage Securities, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; but no Money ſhall be borrowed on Security of the Tolls, beyond the Sum which ſhall be fixed upon by the ſaid Truſtees at the Firſt Meeting to be held in purſuance of this Act, unleſs Notice for that Purpoſe be affixed in Writing upon all the Toll Gates then erected by virtue of this Act, and alſo inſerted in one or more of the Newſpapers publiſhed within the ſaid County of *Warwick*, at leaſt Fourteen Days before the Meeting for borrowing thereof, nor unleſs a Majority in Value of the then Creditors ſhall conſent thereto; and it ſhall be lawful for all Perſons reſpectively to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt in and to ſuch Mortgage, and the Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever; which Aſſignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be underwritten or thereunto annexed, and ſigned in the Preſence of and atteſted by One or more credible Witneſs or Witneſſes; (that is to ſay,)

'I, The

Form of Transfer.

'I, The within named *A. B.* or I, *C. D.* Assignee, Executor, or Administrator of the within named *A. B.* [*as the Case may happen*] Do 'hereby assign and transfer this Mortgage Security, with all my Right 'and Title to the Principal Money thereby secured, and all Interest now 'due, and hereafter to grow due upon the same, unto *E. F.* of 'his Executors, Administrators and Assigns. Dated 'this Day of

'Witness to the signing hereof .'

Transfers to be entered.

Which Transfer shall be produced and notified to the said Clerk or Treasurer within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books; for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators,) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities, or otherwise, except as hereinafter mentioned.

For paying Creditors by Lot.

XXXIII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting and of the Purpose thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Warwick*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only; any Thing herein contained to the contrary thereof notwithstanding.

Application of the Money.

XXXIV. And be it further enacted, That all the Monies that shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first Place, in Payment of all the Costs, Charges, and Expences which have been incurred, or incidental to, or attending the applying for, or obtaining

and

and paſſing of this Act; in the ſecond Place, in defraying the Expences of purchaſing Land, which may be neceſſary for the widening, varying, and improving of the ſaid Road; in the third Place, in paying the Intereſt accruing from Time to Time, upon the ſeveral Principal Sums of Money which ſhall from Time to Time be borrowed and ſecured in purſuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Houſes, and other Buildings, and keeping the ſame in Repair, and otherwiſe executing the other Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money which ſhall be ſecured in purſuance of this Act, either rateably or by Lot, as the ſaid Truſtees ſhall think proper.

Truſtees empowered to alter or turn the old Road.

XXXV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby fully empowered from Time to Time to widen, divert, turn, ſhorten, and alter the Courſe or Path of any Part or Parts of the ſaid Road, through any Common 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 ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authoriſed and empowered from Time to Time, to treat, contract, and agree for the Purchaſe of any Houſes, Buildings, Lands, or Hereditaments, lying contiguous to or near the ſaid Road; and ſhall make reaſonable Satisfaction for the Loſs or Damages the Owners, Proprietors, or Occupiers thereof, or any of them, ſhall in any ways ſuſtain by the widening, turning, or altering the Courſe of the ſaid Road; and ſhall out of the Money ariſing by virtue of this Act, pay the Purchaſe or Conſideration Money for the ſame, and alſo the Coſts and Charges attending ſuch Purchaſe; and ſuch Houſes and Buildings ſhall and may be pulled down, and the Ground whereon the ſame ſtand together with the other Lands and Grounds ſo to be purchaſed, or any Part thereof, ſhall and may by the Order and Direction of the ſaid Truſtees, or any Five or more of them, be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think convenient, and ſhall by ſuch Perſon or Perſons as they ſhall order and appoint, be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a public and common Highway, and to be Part of the Road to be amended, widened, and kept in Repair by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means and in ſuch Manner as the old Road was and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Road as aforeſaid, the Lands or Grounds compriſed in or conſtituting the former Road, in lieu whereof ſuch Land or Ground ſhall be purchaſed as aforeſaid, ſhall be veſted in the ſaid Truſtees, and ſhall and may be ſold or diſpoſed of by the ſaid Truſtees, or any Five or more of them, to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame; and the Conveyance thereof being executed by the ſaid

Truſtees, or any Five or more of them, and enrolled with the Clerk of the Peace for the ſaid County of *Warwick* ſhall be good and effectual to all Intents and Purpoſes.

Road to be made according to Plan.

XXXVI. And whereas a Map or Plan deſcribing the Line of the ſaid Road, and the Lands to be taken for varying the Courſe of, and widening the ſaid Road, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited with the Clerk of the Peace for the County of *Warwick*; be it therefore enacted, That the ſaid Map or Plan and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the Map or Plan, and Book of Reference; and that the ſaid Truſtees in making the ſaid Road ſhall not deviate more than One Hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, unleſs otherwiſe directed by this Act.

Lands marked in the Plan may be uſed, notwithſtanding Errors in the Book of Reference.

XXXVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to take and uſe the Lands, Hereditaments, or Premiſes, of any Perſon or Perſons who is, or are, or may be Owner or Owners of Lands or Premiſes deſcribed in the ſaid Map or Plan as aforeſaid, for the Purpoſe of varying the Courſe of and widening the ſaid Road, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed or omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the County of *Warwick*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake, or was not wilful; and ſuch Certificate ſhall be depoſited with and remain in the Cuſtody of the Clerk of the Peace for the ſaid County.

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XXXVIII. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authoriſe the ſaid Truſtees to take or pull down any Dwelling Houſe, or other Building, or to take in, or make uſe of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except a Blackſmith's Shop in the Pariſh of *Great Alne*, belonging to *James Pettifer*, in the Occupation of *Richard Maſon*, any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Houſes beyond a certain Value, not to be

XXXIX. Provided always, and be it further enacted, That no Houſe or Building of the Value of more than Three hundred Pounds ſhall be ſo purchaſed or contracted for, without the Conſent of the Perſon

or Perſons who ſhall be entitled to Five-ſixth Parts of the Money borrowed and owing on the Credit of the ſaid Tolls, to be ſignified by ſuch Creditors perſonally, or in Writing, at a Meeting of the ſaid Truſtees, to be convened by public Advertiſement in ſome or one of the Newſpapers printed and circulated in the ſaid County of *Warwick*, and affixed on all the Toll Gates to be erected by virtue of this Act, Fourteen Days at the leaſt before ſuch Meeting, ſpecifying the Houſes or Buildings ſo propoſed to be purchaſed. purchaſed without the Conſent of Creditors.

XL. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunatics, and Huſbands, and all other Truſtees whatſoever, for and on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Idiots, Lunatics, or other Perſons under any Diſability of acting for themſelves, and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes, Buildings, Lands, or Hereditaments, to treat or agree with the ſaid Truſtees, or any Five or more of them, for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees, or any Five or more of them, for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes; any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands and Truſtees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Perſons, are and ſhall be indemnified for what they ſhall do by virtue or in purſuance of this Act. Corporations, &c. empowered to treat.

XLI. And be it further enacted, That if any Owner, Proprietor, or Occupier of, or other Perſon or Perſons intereſted in any Houſes, Buildings, Lands, or Hereditaments, which the ſaid Truſtees, or any Five or more of them, ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees or other Truſtees, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Head Officer of any ſuch Body Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſhall by the Space of Forty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Warwick* (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter,) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier or other Perſon or Perſons intereſted for or on account of the taking or uſing of ſuch Houſes, Buildings, Lands, or Hereditaments for the Purpoſes of this Act; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby In caſe of Perſons not treating for the Sale of ſuch Lands, &c. a Jury to ſettle the Recompence.

hereby empowered and required from Time to Time to ſummon and call before them all and every Perſon or Perſons, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby empowered and required to adminiſter); and they ſhall order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages 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 Owners, Proprietors, or Occupiers of the ſaid Houſes, Buildings, Lands, and Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder or otherwiſe; and for ſummoning and returning ſuch Jury the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants ſigned by them, to the Sheriff of the ſaid County of *Warwick*, thereby commanding and requiring the ſaid Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees, or any Two or more them, ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve.

Verdict of the Jury to be final.

Jurors may be challenged.

Sheriff may be fined for neglect of Duty.

XLII. Provided always, and be it further enacted, That all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to; and the ſaid Truſtees, or any Five or more of them, are hereby empowered to impoſe any reaſonable Fine or Fines on any ſuch Sheriff or his Deputy who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared, ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn, ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein; and on any of the Perſons who being required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall refuſe or neglect to appear, having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without ſufficient Excuſe, or appearing, ſhall refuſe to be ſworn and give Evidence;

dence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

How Expences of Jury, &c. shall be paid.

XLIII. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Houses, Buildings, Lands, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning of 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 Treasurer or Treasurers to the said Trustees, out of any Money then raised or to arise by virtue of this Act; but if such Jury shall give in 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 before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County of *Warwick*, not interested in the Matter in question (who is hereby required to examine and settle the same,) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

Upon Payment of the Purchase Money, the Lands to be taken for the Road.

XLIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Money to be borrowed upon the Credit of, or to be collected as Tolls by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with,) upon depositing the same in the Bank of *England* under the Direction of the Court of Chancery, in Manner by this Act directed,

and after Ten Days' Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Houses, Buildings, Lands, or Hereditaments so to be agreed for or purchased as aforesaid, such Houses, Buildings, Lands, or Hereditaments shall and may be taken and used for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out as Part of the said Road, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall thenceforth for ever be deemed as Part of the Road by this Act directed to be maintained, improved, and kept in Repair; and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments.

First Offer to whom to be made.

XLV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or any old Road to be stopped up or discontinued by virtue of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit) by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in the Manner by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Money awarded above £200.

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other

Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, or Hereditaments, or affecting other Houses, Buildings, Lands, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Houses, Buildings, Lands, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the Meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less than £200. and above £20.

XLVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to two Trustees, to be nominated

nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where not more than £20.

XLVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall not exceed Twenty Pounds, then, and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Houſes, Buildings, Lands, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out a good Title; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

XLIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Houſes, Buildings, Lands, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Houſes, Buildings, Lands, or Hereditaments, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Houſes, Buildings, Lands, or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of proceeding, or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

L. Provided

In case of a disputed Title.

L. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Houſes, Buildings, Lands, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Houſes, Buildings, Lands, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Houſes, Buildings, Lands, and Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to be lawfully entitled to ſuch Houſes, Buildings, Lands, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Houſes, Buildings, Lands, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by the Truſtees.

LI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Houſes, Buildings, Lands, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Houſes, Buildings, Lands, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials for repairing the Roads, &c.

LII. And be it further enacted, That it ſhall be lawful for the Surveyor and Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for repairing the ſaid Road, out of any Common or Waſte Ground, common River, or Brook, not being within the Diſtance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Pariſh, Town, Village, or Hamlet within which the ſaid Road or any Part thereof lies, or is intended to be made, without paying any Thing for the ſame; and for want of ſufficient Quantities of ſuch Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places laſt deſcribed, then to dig, take, and carry away the like Materials out of any Common or Waſte Ground, Common River or Brook, not being within the like Diſtance from any Bridge, Dam, Weir, and Jetty, in any adjoining Pariſh, Town, Village, or Hamlet,

let, without making any Recompence for the ſame, the ſaid Surveyor or Surveyors filling up, fencing, and levelling all ſuch Pits and Holes as ſhall be made or occaſioned by the digging for, or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons through whoſe Lands or private Ways ſuch Materials ſhall be led and carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Commons or Waſte Grounds, common Rivers and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons (not being a Garden, Yard, Paddock, Park, Planted Walk, or Avenue to any Houſe, or incloſed Ground, planted, ſet apart, or uſed as a Plantation or Nurſery for Trees,) where ſuch Materials are or may be found in any ſuch Pariſh or Place, and from Time to Time to carry away ſuch, and ſo much of the ſaid Materials reſpectively, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for amending, repairing, and improving the ſaid Road, paying ſuch Recompence for the ſame, and for the Damage done to the Owners and Occupiers of the reſpective Grounds where, through, and whence the ſame ſhall be dug and carried away, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers or any of them and the ſaid Truſtees, touching the Damages aforeſaid, then the Amount thereof ſhall be ſettled by any Two or more Juſtices of the Peace for the ſaid County of *Warwick*, but ſubject to ſuch Appeal to the General Quarter Seſſions of the Peace to be holden in and for the ſaid County as is hereinafter directed.

Notice to be given to the Occupiers of incloſed Lands, before Materials are to be taken.

LIII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any ſuch Materials for repairing ſuch Road, out of or from any incloſed Land or Ground, until Seven Days' Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Abode, to appear before Two or more Juſtices of the Peace for the County of *Warwick*, to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch caſe it ſhall be lawful for ſuch Juſtices, by their Order, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of repairing or amending 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 Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein

for the Space of Twenty Days, (except the Owner or Occupier of any private Ground, and the Perſon or Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding the Sum of Five Pounds.

Surveyors may remove Annoyances.

LV. And be it further enacted, That it ſhall be lawful for 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 Nuiſances and Annoyances, on any Part or Parts of the ſaid Road, by Timber, Stones, Carriages, Saw-Pits or other Pits, Aſhes, Dung, Filth, Rubbiſh or otherwiſe, and to turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof, and to open, ſcour, cleanſe, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourſe, adjoining or near to the ſaid Road, or any Part or Parts thereof; and alſo to cut down, top or lop, at proper Seaſons of the Year, any Trees, Branches, or Buſhes growing in the Hedges, Fences or Grounds adjoining thereto, ſo as to reduce ſuch Hedges to any Height not leſs than Four Feet, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Ten Days 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) ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to cut down ſuch Trees, Branches, or Buſhes, or by the Perſon or Perſons occaſioning or neglecting, or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as any Forfeiture or Penalty is hereinafter directed to be levied and recovered; and if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch ſecond or other repeated Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Cauſeways, cut Drains, &c.

LVI. And be it further enacted, That it ſhall be lawful for ſuch Surveyor and Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by the ſaid Truſtees, to make Cauſeways or Foot-paths in or along the Sides of the ſaid Road, or any Part thereof, and to cut or make Drains or Watercourſes upon and through any Lands lying contiguous to the ſaid Road, and alſo to make Ditches or Fences in ſuch Places and in ſuch Manner as ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, ſhall judge neceſſary, and make ſufficient Fences, Barriers and other Erections on any Part or Parts of the ſaid Road, in order to prevent any Rivulet or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads, through, over, and along the Lands adjoining to any narrow or ruinous Parts of the ſaid Road, (not having a Houſe or other Building thereon, and not being a Garden, Orchard, Planted Walk, or Avenue to any Houſe, or a Plantation or Nurſery of Trees,) to be made uſe of as a temporary Road whilſt any Part of the ſaid Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers; making ſuch Satisfaction to the Owners or Occupiers of ſuch Lands ſo to be uſed, cut through, or built upon, for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable, and in caſe any Difference

ference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the ſaid County of *Warwick*, at their General Quarter Seſſions of the Peace, to be holden next after ſuch Difference ſhall ariſe.

Roads to be meaſured, and Mile Stones erected.

LVII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places from any Town or Place; and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Road, where the ſame may be croſſed or joined by other Roads, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Road, or

Penalties for defacing, and committing any Nuiſances.

ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Cauſeway or Footpath upon or on the Side of or adjoining to the ſaid Road, or ſhall drive any Horſe, Beaſts, or Swine, or any Carriage upon, or cauſe any Damage to be done to any Cauſeway or Footpath; or if any Perſon ſhall cauſe to be hauled or drawn upon any Part of the ſaid Road any Timber, Stone, or other Thing, (otherwiſe than upon wheeled Carriages,) or ſhall ſuffer any Timber, Stone, or other Thing, which ſhall be carried upon wheeled Carriages, to drag upon the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up and damage the ſaid Road, or the Fences on either Side thereof; or if any Perſon driving any Carriage upon the ſaid Road, ſhall ride upon the Shafts or other Part of the ſaid Carriage without holding the Reins of the Horſe or Horſes, or meeting another Carriage, ſhall not keep his or her Carriage on his or her left or near Side of the ſaid Road, and alſo keep on the ſame Side himſelf; or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care, upon the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Road; or if any Perſon ſhall leave any Carriage (except in Caſes of Accident, and then ſuch Carriage ſhall be placed as near to the Side of the ſaid Road as may be) upon or on the Side of the ſaid Road, longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon the ſaid Road or on the Side or Sides thereof, between the ſaid Road and the Fences to be erected on the Sides thereof, or ſhall plough up, dig up, or break up any of the Soil between the ſaid Road and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, or otherwiſe ſhall ſcrape off any Soil or other Thing from the ſaid Road, or the Sides thereof, or ſhall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compoſt or Manure from the Sides thereof, except ſuch as may be lying in his own Ground, and be carried away without being brought over any Part of the ſaid Road, or that the ſame be done at ſuch Times and under

ſuch

ſuch Regulations as the Truſtees or their Surveyor ſhall direct and order; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as hereinafter directed.

Truſtees may contract for Repairs, or any other Works.

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, to contract and agree with any Perſon or Perſons for the amending, widening, ſhortening, or improving of the ſaid Road, or any Part thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money, annually, or for a Term of Years, or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Perſons liable to repair the Road to continue ſo.

LIX. And be it further enacted, That all 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 maintaining or amending of any Part or Parts of the ſaid Road, by this Act directed to be widened or repaired, or any Bridge or Bridges, or other neceſſary Things thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner and to the ſame Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the paſſing of this Act.

Perſons chargeable to Statute Work to continue ſo.

LX. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Warwick*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any

Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Hay-time or Harvest,) and in such Part of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to, or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places respectively, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road is or shall be situated, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole,

or of any Part of the Statute or other Work to be by all, or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in advance, on or before the Firſt Day of *January* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Penalty for aſſaulting Collectors, or obſtructing the Execution of this Act.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted or hindered, any Collector of the Tolls or Gatekeeper, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Twenty Shillings.

For ſecuring tranſient Offenders.

LXIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to apprehend and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace for the County or Place where the Offence or Offences ſhall be committed.

Puniſhing Collectors miſbehaving.

LXIV. And in order to prevent the Miſconduct of the Perſons employed as Collectors of the ſaid Tolls, Gatekeepers, and other Officers as aforeſaid; be it further enacted, That every Perſon employed as a Collector, Gatekeeper, or otherwiſe, to collect any of the Tolls hereby granted and made payable, ſhall from Time to Time affix his Chriſtian and Surname on a Board in ſome conſpicuous Part of the Toll-houſe at which he ſhall be ſo appointed, on each and every Day that he ſhall continue ſuch Collection, under the Penalty of any Sum not exceeding Twenty Shillings; and if any ſuch Collector ſhall wilfully miſbehave himſelf in the Collection of the ſaid Tolls or otherwiſe, by taking exceſſive Toll, demanding or taking Toll from Perſons entitled to Exemption, or otherwiſe not liable, or where none is due or payable, uſing abuſive or improper Language to, or otherwiſe miſconducting himſelf to any Perſon or Perſons paſſing, or claiming to paſs through, or coming to any of the Toll-gates to be erected by virtue of this Act, and ſhall be thereof convicted, on his own Confeſſion, or on the Oath of One or more credible Witneſs or Witneſſes, before one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Warwick*, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, and in default of Payment thereof, ſhall be committed to the Common Gaol or Houſe of Correction, for any Time not exceeding One Calendar Month.

Penalties and Forfeitures, how to be re-

LXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed,)

ſhall

covered and applied.

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 Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes;) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines 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 for such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges shall be sooner paid and satisfied.

Offences.

LXVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice 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 draw up in the following Form of Words, (as the case shall happen), or in any other Form of Words to the same Effect; (that is to say)

Form of Conviction.

to wit. ‘ BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, one of His ‘ Majesty's Justices of the Peace for the said County, by virtue of an ‘ Act of the Fifty-fourth Year of the Reign of King *George* the Third, ‘ intituled, [*here set forth the Title of this Act, and specify the Offence, and ‘ when and where committed.*] Given under my Hand and Seal, the ‘ Day and Year above written.’

Subscribers compellable to pay their Subscription.

LXVII. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall after Forty Days' previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling-house, or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice,

Notice, it ſhall be lawful for the ſaid Truſtees to bring, or cauſe to be brought any Action of Debt, or on the Caſe, Bill, Plaint, or Suit againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiffs in all ſuch Action and Actions, and Executions ſhall iſſue thereupon, as the Caſe may require.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVIII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done or omitted to be done in purſuance of this Act, either by the ſaid Truſtees, or by any one or more of His Majeſty's Juſtices of the Peace, ſuch Perſon may appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the County of *Warwick*, ſuch Appellant (if there be ſufficient Time after the Cauſe of ſuch Complaint ſhall have ariſen) firſt giving or cauſing to be given Eight Days' Notice at leaſt in Writing, of his or her Intention of bringing ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days next after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and for want of ſufficient Time for giving ſuch Notice previous to the Firſt Quarter Seſſions after the Cauſe of ſuch Complaint ſhall have happened, then ſuch Appeal, after ſuch Notice, and under ſuch Recognizance, may be made at the Second General Quarter Seſſions of the Peace to be holden for the ſaid County; and the Juſtices at ſuch Firſt or Second Seſſions, upon due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe or neglect to pay the ſame, and for want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Common Gaol, or any Houſe of Correction for the ſaid County, there to remain for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied

by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, 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 committed 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 (if any) in an Action on the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-eight Days' Notice thereof ſhall be given to the Clerk or Clerks of the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Two Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the ſaid County of *Warwick*, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, 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 have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty-eight Days' Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered 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 Suits, after the Defendant ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any Caſes by Law.

Public Act.

LXXI. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Continuance of this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.