ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lxxxi.

An Act for repairing the Road from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge* in the County of *Warwick*. [28th *May* 1821.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for repairing the Roads leading from* Birmingham *through* Warwick *to* Warmington, *and from* Birmingham *through* Stratford-upon-Avon *to* Edghill *in the County of* Warwick, whereby the said Roads were divided into Two Districts, several Tolls were made payable, and divers Powers were given for repairing the said Roads; which said Act was to take place from the Twenty-fifth Day of *July* One thousand seven hundred and twenty-six, and to continue for the Term of Twenty-one Years: And whereas by another Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for continuing, amending, and making more effectual an Act made in the Twelfth Year of the Reign of King* George *the First, for repairing the Roads leading from* Birmingham *to* Edghill *in the County of* Warwick; the Term and Powers granted by the said Act were from the Expiration thereof continued for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by another Act passed in the Thirty-first Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to continue and render more effectual*

12 G. 1. c. 6.

18 G. 2. c. 32.

31 G. 2. c. 58.

effectual Two Acts of Parliament made in the Twelfth Year of the Reign of His late Majesty, and in the Eighteenth Year of the Reign of His present Majesty, for repairing the Roads leading from Birmingham *to* Edghill *in the County of* Warwick; several of the Powers were altered and other Powers granted; and the said Terms were further continued from the Expiration thereof for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the
11 G. 3. c. 74. Third, intituled *An Act to continue and render more effectual Three Acts made in the Twelfth Year of King* George *the First, and in the Eighteenth and Thirty-first Years of His late Majesty, for repairing the Roads from* Birmingham *through* Warwick *to* Warmington, *and from* Birmingham *through* Stratford-upon-Avon *to* Edgehill *in the County of* Warwick, *so far as the same relate to the Road from* Birmingham *through* Stratford-upon-Avon *to* Stratford Bridge *in the said County*, whereby other Powers were granted, and the said Terms were further continued from the Expiration thereof for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, as far as the same related to the District of Road from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge*: And whereas another Act was passed in the Forty-first Year of the Reign of His said Majesty King *George* the Third, intituled
41 G. 3. c. 27. *An Act for continuing for Twenty-one Years and from thence to the End of the then next Session of Parliament, and for amending and making more effectual, Four several Acts made in the Twelfth Year of the Reign of King* George *the First, in the Eighteenth and Thirty-first Years of the Reign of His late Majesty King* George *the Second, and in the Eleventh Year of the Reign of His present Majesty, for repairing the Roads from* Birmingham *through* Warwick *to* Warmington, *and from* Birmingham *through* Stratford-upon-Avon *to* Edgehill *in the County of* Warwick, *so far as the same relate to the Road from* Birmingham *through* Stratford-upon Avon *to* Stratford Bridge *in the said County*; whereby several of the Powers were also amended and altered, and other Powers were thereby granted, and the said Terms granted and continued by the said Acts with respect to the said District of Road from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge* were determined, and a further Term granted for Twenty-one Years from the passing of the said Act, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in and by virtue of the said several Acts for the District of Road from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge*, described in the said Acts, have from Time to Time repaired and improved the said District of Road; and for that Purpose have borrowed several Sums of Money on the Credit of the Tolls authorized to be collected on the said District of Road, a considerable Part of which Money still remains due and owing, and cannot be repaid, nor can the said District of Road be effectually amended and kept in Repair, unless some of the Powers and Provisions of the said Acts, as far as the same relate to the said District of Road, be altered and enlarged, and the Tolls increased; and it is desirable that the Powers and Authorities heretofore granted by the said recited Acts, to the Trustees for the said District of Road, and

such further Powers as may be necessary for keeping in Repair the said District of Road, should be contained in one Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* now next coming, the said Acts passed in the Twelfth Year of the Reign of His Majesty King *George* the First, in the Eighteenth and Thirty-first Years of the Reign of His Majesty King *George* the Second, and in the Eleventh and Forty-first Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the said District of Road leading from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge* in the County of *Warwick*, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of more effectually improving, repairing, and keeping in repair the Turnpike Road herein-after particularly described.

Recited Acts repealed.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, on the said Road from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge*, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit of the Tolls granted by this Act; and all and every Person and Perssons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Acts, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of the same to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by the Trustees for executing any Turnpike Act or Turnpike Acts, or by any other Person or Persons whomsoever, to or with any of the Trustees for executing the said recited Acts, as far as relate to the said District of Road, according to the Provisions and Directions of the same Acts, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts and Agreements duly made and entered into by the Trustees for executing the said recited Acts hereby repealed, to or with any Person or Persons, as far as respects the Road comprised in this Act, shall be and remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of so much of the said recited Acts as relates to the said District of Road above mentioned, from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge*.

New Term and Tolls liable to Debts, &c.

III. And

Trustees.

III. And be it further enacted, That *Robert Middleton Atty*, the Reverend *John Bartlam*, *Thomas Beach*, the Reverend *Thomas Blythe*, *Joseph Boultbee*, *John Bree* Doctor of Medicine, *Thomas Burman* of *Henley*, *Thomas Burman* of *Tanworth*, *Richard Burman*, *John Burman* of *Light Hall*, *John Burman* of *Waring's Green*, *Thomas James Philip Burman*, *Insull Burman*, *Isaac Burman*, the Reverend *Richard Simcoe Carles*, the Reverend *John Cartwright*, the Reverend *John Chambers*, the Reverend *George Child*, the Reverend *Charles Curtis*, the Reverend *James Davenport* Doctor of Divinity, *William Dester*, the Reverend *Thomas Dolben Dolben*, *Alexander Duke*, *Thomas Edkins*, the Reverend *John Ellis*, *Thomas Entwisle*, *Edward Ferrers*, *Charles Fetherston*, *Richard Gibbs*, *James Grooby*, *William Hamper*, *William Harding*, *Joseph Harding*, *Francis Holyoake*, the Reverend *Henry Holyoake*, *Hopkins Horsley*, *Thomas Hunt*, *William Ingram*, *Thomas Wowen Jones*, *Robert Knight*, *Henry Raleigh Knight*, *Thomas Lea*, *William Welch Lea*, the Reverend *Thomas Lea*, *Heneage Legge*, *Henry Greswold Lewis*, *George Lloyd*, *John Gamaliel Lloyd*, *John Lord*, *James Mann*, *Charles Mills*, *Charles Mills* the younger, *Matthew Mills*, *John Mills* of *Bistern*, *John Mills* of *Tiddington*, *Christopher Noble*, the Reverend *John Peglar*, the Reverend *Samuel Peshall*, the Reverend *Samuel D'Oyley Peshall*, *Richard Pratchett*, the Reverend *Henry Anthony Pye*, *John Rich*, *Wilson Aylesbury Roberts*, *Henry Roberts*, the Reverend *Francis Rufford*, the Reverend *John Short*, Sir *Gray Skipwith* Baronet, *Richard Smith*, Sir *Edward Joseph Smythe* Baronet, the Reverend *Joseph Taylor*, the Reverend *Poyntz Stewart Ward*, the Reverend *Elias Webb*, *James Roberts West*, *Thomas Wilcox*, *Edward Wilks*, *Christopher Roberts Wren*, the Reverend *Philip Wren*, the Reverend *Robert Wylde*, and all His Majesty's Justices of the Peace acting for the County of *Warwick*, and their Successors, and such other Persons to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road leading from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge* in the County of *Warwick*, and which said Turnpike Road passes through the several Parishes, Hamlets, or Places of *Bordesley* and *Aston* near *Birmingham* in the County of *Warwick*, *Yardley* in the County of *Worcester*, *Solihull*, *Tanworth*, *Packwood*, *Lapworth*, *Hampton in Arden*, *Beaudesert*, *Henley in Arden*, *Wootton-Wawen*, *Bearley*, *Aston Cantlow*, *Pathlow*, *Bishopton*, *Old Stratford*, and the Borough of *Stratford-upon-Avon* in the said County of *Warwick*, and for otherwise putting this Act in Execution.

Power to elect additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think proper, at any Meeting to be holden for that Purpose (of which Meeting and of the Purpose thereof, such Notice shall be given as is herein-after directed respecting the Appointment of future Trustees on Vacancies) to elect, nominate, and appoint any Number of other fit and proper Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

V. And

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

V. And be it further enacted, That in case any of the said Trustees hereby appointed, or to be elected in manner herein mentioned, shall die, become Bankrupt or Insolvent, or otherwise disqualified, or by Writing under their Hands refuse to act, it shall be lawful for the surviving or remaining Trustees, at any Meeting to be held for that Purpose, to appoint one other Person to be a Trustee in the Room of every Trustee so dying, becoming disqualified, or refusing to act, provided that Notice of the Time and Place of Meeting for every Appointment of new Trustees be affixed in Writing upon all the Turnpikes Gates erected or to be erected on the said Road, at least Fourteen Days before every such Meeting; and every Person, being qualified as herein-after mentioned, who shall be so appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution as if he had been named a Trustee therein.

Qualification of Trustees.

VI. Provided always, 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 in his own Right, or in the Right of his Wife, be seised or possessed of and in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprises, or shall be Heir Apparent of a Person so seised of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprises, or shall be possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount of Four thousand Pounds clear of all Incumbrances; and if any Person not being qualified as aforesaid, or becoming disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed the Oath as herein-after mentioned, or being a Quaker not having made and subscribed the Affirmation as herein-after mentioned, shall nevertheless 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified or not disqualified as aforesaid, and hath taken and subscribed the Oath or Affirmation by this Act required, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done and performed by any such Persons previously to his being convicted of any of the Offences before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to take the following

VII. Provided also, and be it further enacted, That every Trustee appointed or to be elected by virtue of this Act, before he shall be capable of acting as a Trustee in the Execution of this Act, (except in administering

ministering the Oath or Affirmation next herein-after mentioned at the First Meeting of the said Trustees) shall take and subscribe, in a Book to be kept for that Purpose, an Oath or Affirmation in the Words or to the Effect following, before One or more of the said Trustees, who is and are hereby empowered to administer the same; (*videlicet*),

Oath.

'I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm], That I am truly and *bonâ fide* in my own Right, or in the Right of my Wife, seised or possessed of and in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprises; *and in case of an Heir Apparent*, I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm], that I am Heir Apparent 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 Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprises; *and in case of Personalty*, I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm], that I am truly and *bonâ fide* possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds clear of all Incumbrances; and that I will truly and faithfully execute the Powers and Trusts reposed in me by virtue of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me GOD.']

Persons holding Places of Profit incapable of acting as Trustees.

VIII. 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, either in his own Name or in the Name of any other Person for his Benefit, any Place of Profit, or shall be concerned in any Contract relating to or be a Lessee or Farmer of the Tolls under this Act.

Trustees, &c. being Justices may act as such.

IX. And be it further enacted, That any Trustee or Trustees appointed or to be appointed in or by virtue of this Act, who shall or may be in the Commission of the Peace, may act as a Justice or Justices of the Peace within his or their respective Jurisdictions in the Execution of the Powers of this Act (except only in Cases where he or they shall be personally interested); and all Mortgagees or Lenders of Money upon the Credit of the Tolls hereby granted, or receiving Interest thereout, may also act in the Execution of the Powers of this Act, notwithstanding their being such Creditors as aforesaid.

No Victualler to hold a Place of Profit, or to be

X. Provided also, and be it further enacted, That no Person keeping an Inn, Alehouse, or other House of public Entertainment, or who shall sell Ale, Cider, Beer, Wine, Brandy, or other Spirituous

Liquors by Retail, shall be capable of acting as a Trustee or holding any Place of Trust or Profit under this Act, or of farming or renting the Tolls hereby granted, unless he shall employ some Person to collect such Tolls who shall not be under any such Incapacity. capable of acting as a Trustee.

XI. 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 the major Part of the Trustees hereby appointed, or to be elected as aforesaid, who shall be present at any Meeting to be holden for carrying this Act into Execution, the whole Number present not being less than Five, except such Acts only as are herein particularly directed to be done and executed by a greater or less Number. Five Trustees to form a Meeting.

XII. And be it further enacted, That the said Trustees shall meet on the Second *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, at the *White Swan Inn* in *Henley-in-Arden* aforesaid, or at some other convenient House or Place on the Line of the said Road, 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 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 be a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, then their Clerk or Clerks shall adjourn the said Meeting, and appoint the Trustees to meet at the same Place on any Day not exceeding Six Weeks after the Day on which such last Meeting was appointed to be held; and of all Meetings to be held in pursuance of this Act, except where it shall be otherwise directed, the Clerk or Clerks shall cause Notice thereof to be affixed on all the Turnpike Gates then erected or continued upon, across, or on the Sides of the said Road, at least Fourteen Days before such Meetings; and the said Trustees shall at all their Meetings defray their own Charges and Expences, but not be required to pay for the Use of the Room or Rooms where their Meetings shall be held for the Purposes of this Act; 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, Rules, Determinations, and Agreements in the Execution of this Act; and no such Order, Rule, Determination, or Agreement shall be made unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being fewer in Number than authorized by this Act to make the same; and no such Order, Rule, Determination, or Agreement shall be revoked or altered at any subsequent Meeting unless special Notice shall be given at least Fourteen Days before in Writing, to be affixed upon all the Toll Gates and Toll Bars then erected upon, across, or on the Sides of the said Road, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration Meetings of Trustees.

tion thereof than concurred in the making of any such Order, Rule, Determination, or Agreement; and at every Meeting of the said Trustees a Chairman shall be appointed, and as often as 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 and casting Vote.

Meetings on Emergencies.

XIII. And be it further enacted, That if after any Adjournment it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day fixed by such Adjournment, in that Case any Two or more of the said Trustees, or the Clerk or Clerks to the Trustees, upon an Order in Writing signed by Two or more of the said Trustees, shall forthwith give Notice thereof in the Manner before directed, and in such Notice shall be expressed the Time and Place and Purpose of such earlier Meeting, (such Time 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 Trustees at all such Meetings shall be valid and effectual.

Proceedings to be entered.

XIV. 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 when entered shall be signed by the Trustees making the same; which Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Transfers thereof, as well as all other Minute Books and Books of Registry of Securities, which have been kept by the Trustees acting under the said Acts hereby repealed, as far as respects the said Road hereby directed to be repaired, shall be admitted as Evidence of the Matters therein contained, in all Courts whatsoever, touching any thing to be done in pursuance of this Act; and which Books shall at all Times be open for the Inspection of any Trustee or Creditor under this Act.

Power to appoint Officers.

XV. 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 Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors of the Tolls, and such other Officers to be employed in the Execution of this Act as they shall think necessary, and from Time to Time to remove such Officers and other Persons, and to appoint others in their Stead, and out of the Monies to arise by virtue of this Act to make such Allowances to the said Officers and other Persons as to them the said Trustees shall seem reasonable; and all such Officers and Persons shall under their respective Hands, when and as often as required by the said Trustees, deliver to such Trustees, or to whom they shall appoint, true and correct Accounts in Writing of all the Monies which they shall have respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all Monies then remaining in their respective Hands to the said Trustees,

or

or to whom they shall appoint to receive the same; and if any of such Officers or other Persons shall refuse to make and render such Accounts, or to produce and deliver up the Vouchers relating thereto, or to pay the Money due on such Accounts in Manner aforesaid, or shall not deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days next after Demand thereof made by the said Trustees or their Clerk or Clerks, all the Books, Papers, and Writings in his or their 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 One Justice of the Peace for the County, City, Borough, or Place wherein such Officer or other Person so refusing or neglecting shall be or reside; and such Justice is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and to make Inquiry in a summary Way into such Complaint, and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, either by Confession of the Party against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, which Oath such Justice is hereby empowered and required to administer; and if upon Inspection of the Accounts produced, it shall appear to such Justice that any of the Monies collected or received by such Officer or other Person shall remain in his or their Hands, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or other Person 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 other Person shall not appear before the said Justice, unless for some sufficient Excuse, at the Time and Place by him appointed for that Purpose, or if appearing shall refuse to deliver in to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce the several Vouchers relating thereto, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act or to the said Road, then upon Conviction of any such Officer or other Person of any or either of the Offences aforesaid, such Justice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit every such Offender or Offenders to the Common Gaol or House of Correction of the County, City, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall make and give a true and perfect Account or Payment as aforesaid, or shall have compounded or agreed with the said Trustees and paid such Composition in Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make), or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress only shall be de-

tained in Prison upon any such Commitment for any longer Time than Six Calendar Months.

Clerk not to be Treasurer, and vice versâ.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, 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.

Accounts to be kept of Receipts and Disbursements.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees may appoint temporary Collectors.

XVIII. Provided always, and be it further enacted, That as often as any Toll Collector shall die or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting, may appoint any other Person to collect such Tolls, until the said Trustees shall at a Meeting to be held by virtue of this Act appoint a Collector of such Tolls; and every Person so nominated 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.

XIX. And

Treasurer to give Security.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed or continued for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office; and if they shall so think fit, shall and may also take such Security from any other Officer to be appointed or continued under or by virtue of this Act; and no such Treasurer shall be permitted to enter upon or continue in his Office until he shall have given such Security.

Books relative to former Acts to be delivered to Trustees.

XX. And be it further enacted, That all Persons who are or have been employed or who have received any Tolls or other Money by virtue of the said Acts on account of the said Road by this Act directed to be kept in repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees by this Act appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are herein required to pay or account for the same.

Actions to be brought in the Name of the Treasurer or Clerk, or of a Trustee.

XXI. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of the Treasurer or Clerk, or in the Name or Names of any One of the said Trustees for or on behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees at a Meeting to be holden in pursuance of this Act: Provided always, that every such Treasurer, Clerk, or Trustee shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to continue or erect Toll Gates, &c.

XXII. And, for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Turnpikes or Toll Gates and Toll Houses which have already been erected by virtue of the said Acts hereby repealed, in, upon, or across any Part of the said Road hereby directed to be kept in repair, and shall or may erect or cause to be erected such and so many other Toll Gates and Toll Bars in, upon, or across any Part of the same Road, and also in, upon, and across such Parts and in such Places of the said Road, or on the Sides thereof, and in, upon, or across any Street, Lane, or Bye-way which does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient, (subject nevertheless to such Restrictions and Directions as are hereinafter contained concerning the same) and also shall and may erect or provide a Toll House, with suitable

suitable Buildings, a Garden, and other Conveniences, not exceeding Half a Rood of Land, at or near each of the said Toll Gates or Toll Bars.

Toll Houses vested in Trustees.

XXIII. And be it further enacted, That the Right and Property of and in all the Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, Fences, Mile Stones, or Mile Posts already erected and provided by virtue of the said Acts hereby repealed, or which shall be erected or provided by virtue of this Act on the said Road hereby directed to be kept in repair, and the Materials of which the same do or shall consist, and also all the Tools, Materials, and other Requisites already or hereafter to be provided for the Purposes of the said Road, shall be and they are hereby vested in the said Trustees for the Time being for carrying this Act into Execution, and they are hereby empowered to apply and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or prosecute or order to be preferred or prosecuted any Informations or Indictments, or proceed in a summary Way before a Magistrate of the County in which the Offence shall be committed, against any Person or Persons who shall dig up, steal, carry away, break down, spoil, destroy, injure, or damage any such Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, Fences, Mile Stones, and Mile Posts, or other Materials, Tools, Articles, or Things; and it shall be sufficient in every such Information or Indictment to state any such Property, Materials, Tools, Articles, or Things to be the Property of the Clerk for the Time being to the said Trustees.

Power to remove Toll Gates.

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, from Time to Time to cause any of the Toll Gates or Tolls Bars already erected, or which shall be continued or erected in, upon or across, or on the Side or Sides of the said Road by virtue of this Act, to be removed to or erected in, upon or across, or on the Side or Sides of any other Part or Parts of the same Road, or to discontinue all or any of the said Toll Gates or Toll Bars, as they shall see Occasion; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed, Fourteen Days at the least, upon all the Toll Gates and Toll Bars then standing upon the said Road, and also shall have been given Once within the Time aforesaid in One or more of the Newspapers in Circulation in the County of *Warwick*.

Power to sell Toll Houses.

XXV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, on the said Road by this Act directed to be repaired, or hereafter to be erected by virtue of this Act, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging (when they shall consider the same useless and unnecessary

necessary for the Purposes of this Act), to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll House or Toll Houses, Outhouses, Gardens, and Appurtenances, to the Purchaser or Purchasers, as an Estate or Estates of Inheritance in Fee Simple; and the Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable or accountable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any such Toll House or Toll Houses may have been erected was purchased, or to the Owner or Owners of the adjoining Land, as is herein-after directed to be given, when any Piece or Pieces of Ground or old Road not wanted for the Purposes of this Act is or are authorized to be sold.

Power to take Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be continued or appointed by virtue of this Act Collector or Collectors of the Tolls, to demand and take the several Tolls following, subject to the Restrictions herein-after contained, at the respective Turnpikes or Toll Gates or Toll Bars or Side Gates already erected by virtue of the said Acts hereby repealed, or which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the said Turnpike Road leading from *Birmingham* through *Stratford-upon-Avon* to *Stratford Bridge* in the said County of *Warwick*, or any Street, Road, or Way leading into or out of any Part of the same 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; (*videlicet*),

Tolls.

For every Coach, Chariot, Sociable, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calash, Chaise, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage, drawn by Four or more Horses or Mules, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Mules, the Sum of One Shilling and One Penny Halfpenny; and drawn by Two Horses or Mules, the Sum of Nine-pence; and drawn by One Horse or Mule, the Sum of Four-pence:

For every Waggon or other such Four-wheeled Carriage having the Wheels of less Breadth than Six Inches, the Sum of One Shilling and Sixpence:

For every Waggon or other such Four-wheeled Carriage moving upon Rollers of the Breadth of Sixteen Inches, with a flat Surface, the Sum of Nine-pence:

For every Waggon or other such Four-wheeled Carriage, having the Wheels of the Breadth of Nine Inches, and of equal Diameter in the whole Breadth of the Fellies or Sole, the Sum of One Shilling:

For every Waggon or other such Four-wheeled Carriage having the Wheels of the Breadth of Six Inches, and of equal Diameter in the whole Breadth of the Fellies or Sole, the Sum of One Shilling and Three-pence:

For every Cart or other such Two-wheeled Carriage having the Wheels of less Breadth than Six Inches, if drawn by Three or more Horses or Mules, the Sum of One Shilling and One Penny Halfpenny; and if drawn by Two Horses or Mules, the Sum of Ten-pence Halfpenny; and if drawn by One Horse or Mule, the Sum of Eight-pence:

For every Cart or other such Two-wheeled Carriage, having the Wheels of the Breadth of Six Inches or more, if drawn by Three or more Horses or Mules, the Sum of Ten-pence Halfpenny; and if drawn by Two Horses or Mules, the Sum of Eight-pence; and if drawn by One Horse or Mule, the Sum of Sixpence:

For every Ass drawing, the Sum of One Penny Halfpenny:

For every Horse, Mule, Ass, Ox, Cow, Bull, Bullock, or Beast, not drawing, the Sum of One Penny:

And for every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Tolls to be paid before Cattle pass the Gates; and Tickets to be given.

And the said respective Tolls shall, subject to the Restrictions herein contained, be demanded and taken before any Horse or other Beast, or any Carriage whatsoever, Oxen or other Cattle, Hogs or Sheep, be permitted to pass through any Toll Gate or Toll Bar erected or to be erected or continued upon the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into or out of the same; and upon Payment of the said Tolls the Collector or Receiver shall and he is hereby required to give and deliver *gratis*, to the Person paying such Tolls, a Ticket denoting such Payment, whereon shall be printed and specified the Names of the Gate at which such Toll shall be paid, as well as the Name of every other Toll Gate or Toll Bar (if any) which shall be freed by such Payment.

Limiting the Number of Tolls.

XXVII. Provided also, and be it further enacted, That no more than Two full Tolls on the whole Line of the said Road from *Birmingham* to *Stratford Bridge* aforesaid, shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle or Carriage of whatever Description as aforesaid, in any one Day (except for Stage Coaches and other such public Carriages as herein-after mentioned), for passing and repassing through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected by virtue of this Act, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, *videlicet*, one full Toll between *Birmingham* and the Southern Extremity of the Town of *Henley in Arden* aforesaid, and one full Toll between *Stratford Bridge* and a Place called the *Bird in Hand* near *Henley in Arden* aforesaid.

Stage Coaches and other Post

XXVIII. Provided nevertheless, and be it further enacted, That the said Number of Tolls shall be paid and payable for all Stage Coaches,

Coaches, Hackney Coaches, and other public Carriages, licensed or not licensed, for every Time of passing or repassing along the said Road on the same Day, to be computed as aforesaid, and for all Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, to be computed as aforesaid, with a Ticket denoting a fresh Hiring.

Chaises to pay for every Time of passing.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for any Collector of Tolls to be appointed by virtue of this Act, to demand or collect any additional or other Toll for Waggons or Carriages with Wheels of less Breadth than Six Inches, usually denominated Narrow Wheels, than is authorized by this Act, except for Overweight; any Provision or Authority for so doing in any other Act or Acts of Parliament contained to the contrary notwithstanding.

No other Tolls than by this Act granted to be collected, except for Overweight.

XXX. And be it further enacted, That all the said Tolls, and any Sum or Sums of Money which shall arise or 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 herein-after 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 authorized to receive the same, neglect or refuse to pay the said Tolls or any Part thereof, it shall be lawful for the Person authorized to collect such Tolls to seize and distrain any Horse, Mule, 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 the Animal 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 next after such Seizure, the Person so seizing and distraining shall and may sell the Horse, Mule, Cattle, Beast, Carriage, Goods, and Chattels so distrained, or such of them or such Part thereof as will be sufficient to satisfy such Tolls, and the reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, or which shall remain unsold (if any) on Demand to the Owner or Owners thereof.

Tolls vested in Trustees.

How Payment may be enforced.

XXXI. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Tolls due, or the Charges of making, keeping, and selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising by the Sale thereof, until the Amount of the Tolls due, and the Charges of such Distress and Sale, and of keeping the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County wherein such Dispute shall have arisen, who, on Application made to him for that Purpose, shall examine the Matter on the Oaths of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such

Disputes concerning Tolls to be settled by a Justice.

such Costs to either Party as to him shall appear right; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and of the Costs and Charges of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Regulation as to Horses going for and returning with Carriages not let to Hire.

XXXII. Provided also, and be it further enacted, That in Cases where any Horse or Horses, Mule or Mules, laden or unladen, and not drawing, shall have passed through any Toll Gate or Toll Bar to be continued or erected on any Part of the said Road, for the Purpose only of fetching or conveying any Coach, Chariot, Sociable, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calash, Chaise, Gig, Whiskey, Taxed Cart, or other such Carriage, from or to the Place of Abode of the Owner thereof; and the Tolls authorized by this Act to be taken for such Horse or Horses, Mule or Mules, not drawing as aforesaid, shall have been paid, and such Horses or Mules shall return on the same Day through the same Toll Gates or Toll Bars drawing any such Coach or other Carriage as aforesaid, then and in every such Case such Coach or other Carriage shall be chargeable with such additional Toll only, as will with the Toll before paid for such Horse or Horses, or Mule or Mules, make up the Toll payable by this Act for every such Coach, Chariot, Chaise, Gig, or other such Carriage as aforesaid.

To prevent Evasion of Tolls.

XXXIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Mule, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls or any of them, pass through or along any Land or Ground adjoining or lying near to any Toll Gate or Toll Bar to be continued or erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse, Mule, Cattle, Beast, or Carriage whatsoever, to pass through the same (save and except as aforesaid) with Intent to avoid the Payment of any such Tolls; or if any Person or Persons shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause to be taken off any Horse, Mule, Ass, or other Beast of Draught from any Carriage, either before or after passing through any Toll Gate or Toll Bar to be continued or erected on the said Road, or having passed through the same shall afterwards add any Horse, Mule, Ass, or other Beast to any Carriage for the Purpose of drawing the same upon the said Road, whereby the Payment of any of the said Tolls or any Part thereof shall be evaded, or shall forge, counterfeit, or alter, or deliver to or receive from any Person or Persons (other than the Collectors of the said Tolls) any Ticket directed to be given by such Collectors, or shall forcibly pass or attempt to pass any of the said Toll Gates or Toll Bars without paying the Tolls, every Person so offending in any of the Cases aforesaid,

aforesaid, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, at the Discretion of any Justice before whom such Offender shall be convicted.

Exemptions from Toll.

XXXIV. And be it further enacted, That none of the said Tolls shall be demanded or taken for any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horses, Cattle, or Carriages of whatsoever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General at any of the Toll Gates or Toll Bars to be continued or erected upon the said Road by virtue of this Act, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses belonging to any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or Carriage whatsoever, or any Horse or other Cattle drawing the same, which shall be employed in carrying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or belonging to any Person in 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 any Place appointed for Exercise, Inspection, or Review, or on the March or on Duty, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption, and not otherwise; or for the Horses or Carriages of any Clergyman going to or returning from Church or Divine Worship, or visiting his sick Parishioners, or on any other his Parochial or Ministerial Duty; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day when Divine Service is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die or be buried in any Parish, Hamlet, or Place through which any Part of the said Road lies; or for any Horses, Beasts, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for either of the Counties of *Warwick* or *Worcester*, on the Day or Days of such Election or Elections, or on the Day before or the Day after such Election or Elections shall begin or be concluded; or for any Horses, Beasts, or Carriages employed in the Conveyance of Vagrants sent by legal Passes, or returning empty after having been so employed; or of or from any Surveyor when engaged in executing or travelling to execute the Powers of this Act; or for any Horses, Beasts, or Carriages going for, or drawing, or carrying any Materials whatsoever to be used in or about the same Road, or for forming, making, or repairing any of

the Highways and Public Roads in the Parishes, Hamlets, or Places which are liable to perform Statute Duty upon any Part of the same Road, or for rebuilding, building, or repairing any of the present or future Bridge or Bridges within any such Parishes, Hamlets, or Places; or for carrying or conveying Hay, Straw, or Corn in the Straw for the Use of the Owners, not sold or disposed of or passing to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Rick Yards of the Owners thereof, or to be eaten and consumed by his, her, or their Cattle within any of the Parishes, Hamlets, or Places through which any Part of the said Road passes; or for carrying or conveying any Lime, Dung, Mould, Manure, or Compost to be used only for manuring Land, or for any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry to be used in the Cultivation of Lands, or to be taken to any Place to be repaired or brought back therefrom, unless the Carriage bearing the same be also laden with some other Thing not hereby intended to be exempted, or for any Horse, Beast, or other Cattle employed in drawing or conveying thereof; or for any Horse, Mule, Ass, Beast, Cattle, or Sheep kept within such Parishes, Hamlets, or Places, going to or returning from work in cultivating Lands therein, or used only by Persons going to or returning from the Superintendance or Management of such Lands, or passing to or repassing from Water or Pasture, or going to or returning from being shod or farried; or for any Sheep going to or returning from any Wash, River, or other Place used for the washing of Sheep in any such Parishes, Hamlets, or Places; and if any Person shall claim or 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 Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same: Provided always, that no Toll shall be demanded and taken for any Horse, Cattle, or Carriage which shall not go or pass more than Two hundred Yards upon the said Road.

Exempting Stores from Overweight.

XXXV. 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, 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 such 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 such Owner or Driver to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Exemptions by 55 G. 3. c. 119, not to be affected.

XXXVI. And be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels of the Width and Descriptions and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third,

Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases,* and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Subjecting One Horse Carts to be weighed.

XXXVII. Provided also, and be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast of Draught, and having the Sole, Tire, or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, shall be liable (if the said Trustees shall think fit to order and direct the same, but not otherwise,) to be weighed at any Weighing Machine or Weighing Machines now erected or which may hereafter be erected upon the said Road, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or Beasts of Draught are now liable to be weighed by Law, and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing or hindering the Wheels from being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable to by Law; and every such Cart or other Carriage drawn by One Horse or other Beast of Draught, which together with the Loading thereof shall weigh more than One Ton and Five Hundred Weight shall pay, and it shall be lawful for the said Trustees, or any Person or Persons empowered by any Five or more of them to receive the Tolls granted by this Act, to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts of Draught are liable to pay by Law.

Regulation respecting Toll Collectors.

XXXVIII. And be it further enacted, That every Toll Collector being a Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Toll Gate or Toll Bar to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately on his beginning to collect such Toll or coming on Duty, in Letters of at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be on such Duty; and if any such Collector shall not place and keep up such Board there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders or Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in anyways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same

same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate or Toll Bar, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty on suffering Carriages to pass without being weighed.

XXXIX. And be it further enacted, That for the better preventing of Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any Toll Gate or Toll Bar to be erected or continued by virtue of this Act, or any Collector or Collectors of Tolls, or any Person or Persons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road, shall suffer any Waggon, Cart, or Carriage liable to be weighed to pass either by such Machine or Machines, or by or through any such Toll Gate or Toll Bar to be erected or continued on the said Road, without weighing the same, or shall permit any such Waggon, Cart, or other Carriage to proceed on the said Road without having first paid the Tolls payable for the same, and for all such Overweight or Overweights as such Waggon, Cart, or other Carriage respectively shall or may have therein or thereon; or if any such Lessee or other Person shall enter into any Contract, Composition, or Agreement, verbal or written, whereby any specific Sum of Money is to be paid by any Person or Persons for the Carriage of Overweight in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed as aforesaid, without the Consent of the said Trustees, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, which any Justice before whom the Information shall be laid shall adjudge.

Respecting Carriages in frosty Weather.

XL. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time to make such Orders as they may think proper for allowing any Carriages of whatever Description to pass along any Part of the said Road during frosty Weather, without being liable to be weighed, or to pay for any extra Weight to be carried thereon.

Tolls may be reduced, &c.

XLI. 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 the Tolls by this Act granted or made payable at all or any of the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, and to raise the same again, so that 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 Three Fourth Parts of the Money then due on the Security of the Tolls, and be signified either in Person or by Writing under his, her, or their Hand or Hands; but no such Reduction shall be made unless One Month's previous Notice thereof shall be affixed in Writing upon all the Toll Gates or Toll Bars then erected across or on the Sides of the said Road, and shall be also inserted in One or more of the Newspapers published or generally circulated in the County of *Warwick*.

Trustees may compound for Tolls.

XLII. 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 a 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 or Toll Bars 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.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees, upon Ten Days Notice thereof to be given in Writing, by affixing the same upon all the Turnpike Gates then erected upon or across the said Road, from Time to Time to let or lease and demise the Tolls granted by this Act, and arising upon the said Road, and either with or without the Tolls and Forfeitures to be received and collected at any Weighing Machine erected or to be erected on the said Road to be made, widened, improved, or kept in repair by virtue of this Act, or any Part or Parts thereof, for any Time or Terms of Years, not exceeding Three Years at any one Time, for the best Price that upon public Bidding or Tender can be had or gotten for the same, payable at such Times, to such Person or Persons, and under such Conditions and Agreements, and with such Surety or Sureties for the Payment thereof, and in such Manner as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; any thing in any Law or Statute to the contrary notwithstanding.

Lessees of Tolls may appoint Persons to receive the same.

XLIV. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be let, leased, or demised 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 under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said

Tolls so leased or demised, 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 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 or to be appointed by the said Trustees is or would be subject or liable to.

Penalty for assaulting Collectors.

XLV. And be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest, or cause or promote to be assaulted, obstructed, hindered, or molested, any Collector of Tolls who shall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors declared competent Witnesses.

XLVI. 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, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls to give Evidence in any such Dispute, Suit, or Litigation.

Present Leases vacated.

XLVII. And be it further enacted, That any Contract, Demise, or Lease granted by virtue of the said recited Acts, of the Tolls payable and received at the several Turnpikes or Gates erected on any Part of the said Road, at the Time of the Commencement of this Act, shall cease, determine, and be void at such Days and Times as the said Trustees shall think fit and determine; and if any Lessee or Hirer of any of the said Tolls shall make it appear or prove to the said Trustees that any Loss or Injury will be sustained by him, her, or them in consequence thereof, then and in such Case the said Trustees, or any Five or more of them, shall and may and they are hereby authorized and required to make a fair and just Compensation and Satisfaction for the same unto every such Lessee or Hirer, his, her, or their Executors or Administrators; and if the said Trustees shall neglect or refuse to make and give a fair and just Compensation for any Loss and Injury which may be sustained by vacating the said Contract or Lease as aforesaid, such Compensation shall and may be sued for in any of His Majesty's Courts of Record at *Westminster*.

Trustees enabled to take Possession of the Toll Houses, &c. in certain Cases.

XLVIII. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act, or at any Weighing Machine erected or to be erected on the said Road, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be

paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or leasing thereof; and in case the Toll House or Toll Houses, or Weighing Machine, shall be in Possession of any Collector or Collectors who shall be removed or discharged from his or their Office of Collector, then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the County, Town, or Place in which any such Toll House may be situated, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necesary, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Toll Houses, from the Possession thereof, and from the Collection of such Tolls; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part which shall have been broken, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected as if no former Demise, Contract, or Agreement had been made relative thereto, any Rule of Law or Right to the contrary notwithstanding.

Power to borrow Money.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting, to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall from Time to Time think fit, not exceeding in the whole the Sum of Four thousand Pounds; and the said Trustees may and they are hereby empowered to demise and mortgage the said Tolls or any Part or Parts thereof, and the Toll House and Toll Houses for collecting the same (the Costs of such Mortgages to be paid out of the said Tolls), as a Security or Securities to any Person or Persons who shall advance any Sum or Sums of Money, their Executors, Administrators, and Assigns, with Interest not exceeding Five Pounds *per Centum per Annum*, which may be made in the Form following, or in any other Words to the like Effect; (*videlicet*),

'BY virtue of an Act passed in the Second Year of the Reign of 'His Majesty King *George* the Fourth, 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

'the said *A.B.*; his Executors, Administrators, and Assigns, for and 'during the Continuance of the said Act, such Proportions of the 'Tolls to arise upon the said Road, or any Part thereof, and the 'Toll Gates, Toll Bars, 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 and 'Seals this Day of One thousand eight 'hundred and .'

Which Mortgage or Mortgages shall be signed and sealed by the said Trustees, and a Copy or Copies thereof shall be entered in a Book or Books to be provided and kept for that Purpose by the said Clerk; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls authorized to be collected on any Part of the Road by this Act directed to be kept in repair, hath or have been made by virtue of the said Acts hereby repealed, or to whom any such Mortgage or Mortgages shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer and assign his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Presence of One or more credible Witness or Witnesses; which said Transfer shall be produced and notified to the Clerk for the Time being, within Two Months next after the Day of the Date thereof, who shall cause a Copy thereof to be entered in a Book or Books to be provided and kept for that Purpose, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred, to make void, release, or discharge the original Security or Money due thereon, or any Part thereof; and all Persons to whom any 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, Toll Bars, and Toll Houses, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing his or her Money, or the Date of his or her Security: Provided always, that nothing herein contained shall authorize or empower the Trustees for executing this Act to borrow or take up at Interest any Money on the Tolls to be collected at any

Gate

Gate now erected or hereafter to be erected on that Part of the said Road called "The joint Road from *Birmingham* to *Spark Brook*."

For paying Creditors by Lot.

L. 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 hereby directed to be repaired, or which shall hereafter become due and owing thereon, it shall and may be lawful for them or any Five or more of them, at any Meeting to be holden for that Purpose, Notice of such intended Meeting being first given at least Twenty-one 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, or to any of the Creditors with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

An Action of Ejectment may be supported by One Mortgagee.

LI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of the Money.

LII. And be it further enacted, That all Monies which before the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the said District of Road hereby directed to be repaired, and which shall remain undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls hereby granted or 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, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following, (*videlicet*) in the First Place, in Payment of the Costs and Charges of and incident to the obtaining and passing of this Act; in the Second Place, in paying the Interest now due and which shall become due upon the several principal Sums already advanced and still remaining due

due and owing on the Security of the Tolls and Duties by the said Acts authorized to be taken; in the Third Place, in paying the Interest of the Monies which may be borrowed or advanced under the Authority of this Act; in the Fourth Place, in defraying the Expences of amending, widening, varying, improving, and keeping in repair the said Road by this Act directed to be repaired, and in executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums now owing or hereafter to be borrowed on the Credit of the Tolls collected or to be collected on the Road by this Act directed to be kept in repair.

Respecting Tolls collected on joint Road.

LIII. And whereas by the said first-recited Act, passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, the Road leading from *Birmingham* to *Warwick* and from *Birmingham* to *Stratford-upon-Avon* is stated to be one and the same Road for about the Space of One Mile from the End of *Birmingham* Town; and it was thereby enacted, that if the said Trustees appointed for repairing the said Roads in the said Act mentioned should think fit to erect a Turnpike on the said joint Road, the Tolls arising thereon should be applied by the joint Trustees for the mutual Benefit of the said Two Districts of Roads therein described: And whereas a Toll Gate has been erected and is now standing on that Part of the said Road called "The Joint Road," and Tolls collected thereat, and such Tolls have been hitherto received and applied for the mutual Benefit of the said Two Districts of Roads; be it therefore further enacted, That such Parts of the Tolls hereafter to be collected at any Toll Gate erected or to be erected on that Part of the said District of Road hereby directed to be repaired, called "The Joint Road," to which the said Trustees for executing this Act are or may be entitled, shall be applied by them in the same Manner as the Tolls to be collected on any other Part of the said District of Road hereby directed to be repaired are by this Act directed to be applied: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title of the said Trustees of the said District of Road leading from *Birmingham* through *Warwick* to *Warmington* to such Part and Portion of the Tolls collected or to be collected at any Turnpike Gate erected or to be erected on the said Joint Road aforesaid, as they have been accustomed to receive and take before the passing of this Act, or could or might have received or taken in case this Act had not been passed; any thing herein contained to the contrary thereof notwithstanding.

Trustees may widen or alter Roads, and purchase Lands.

LIV. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Road by this Act directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Tenements, or Hereditaments lying near or contiguous to the said Road, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any

of them, shall or may sustain by widening, turning, varying, or altering such Road, and to pay for the same, out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon by such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase; and the said Road when so widened, turned, varied, or altered, shall be and remain Forty Feet wide at the least; and such Lands, Tenements, or Hereditaments when so purchased shall, by the Order and Direction of the said Trustees, be laid into and made Part of the Road hereby directed to be repaired, in such Manner as they shall think convenient, and be fenced off with proper Drains, Ditches, and Quickset Fences for that Purpose, and be mounded with Posts and Rails for and during the Term of Seven Years from the Time of making such Fences by and at the Expence of the said Trustees, after which Time such Fences shall become the Property of the Owner or Owners of the adjoining Lands, and be for ever afterwards kept in repair by him, her, or them; and from and after the making and forming of such new Road, the same shall from thenceforth be deemed and taken to be a Public or Common Highway, and Part of the Road to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act to deviate more than One hundred Yards from the present Line or Course of the said Turnpike Road, for the Purpose of improving the same, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by such Deviation respectively.

Deviations not to exceed 100 Yards.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, or Avenue to any House, or planted or set apart as a Nursery for Trees, or as Ornament or Shelter to a House, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

Dwelling Houses, Gardens, &c. *not to be* damaged.

LVI. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who is or are or shall be seised, or possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them any such Lands, Tenements, or Hereditaments,

Corporate Bodies and incapacitated Persons enabled to treat with Trustees.

taments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary thereof notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Femes Covert, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons neglect or refuse to treat Damages to be settled by a Jury.

LVII. And be it further enacted, That if such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians or Trustees, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments which the said Trustees are enabled to purchase or make use of for the Purposes of this Act, shall for the Space of One Calendar Month 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 shall cause it to be inquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Tenements, or Hereditaments shall be situate, (which Oaths any One or more of the said Trustees is and are hereby empowered to administer) what Damages will be sustained by and what Recompence or 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 Lands, Tenements, or Hereditaments for the Purposes aforesaid; and in order thereto, the said Trustees are hereby empowered and required from Time to Time to summon and call before such Jury and examine on Oath any Person or Persons whomsoever, (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall cause the said Jury (if they see proper) to view the Premises in question, and use all lawful Ways and Means as well for their own as for the said Jury's Information; and after the said Jury shall have assessed such Damages and Recompence, they the said Trustees 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, Occupiers, or other Persons interested in such Lands, Tenements, or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Femes Covert, Lunatics, Idiots,

Idiots, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands, Tenements, and Hereditaments may be situate, thereby requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy is and are hereby required thereupon to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy, or the said Trustees, shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy, Bailiffs, or Agents, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall, without sufficient Excuse, refuse or neglect to appear, having been paid or tendered a reasonable Sum for his or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and give Evidence, and to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after 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.

Jurors may be challenged.

Sheriff, &c. may be fined.

How Expences of the Jury are to be paid.

LVIII. And be it further enacted, That in case any 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 Lands, Tenements, 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 and returning of the Jury as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Dif-

Difference shall have arisen, not interested in the Matter in question, (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose), and shall be borne and paid by the Treasurer to the said Trustees, out of any Money to be raised by virtue of this Act; and in default of Payment thereof by the said Treasurer, within Five Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer, by Warrant under the Hand and Seal of such Justice; 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 or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and returning 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 within whose Jurisdiction such Difference shall have arisen, not interested in the Matter in question, (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose), shall and may be deducted out of the Monies 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 Money shall be deemed and taken to all Intents and Purposes to be a Payment and 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, shall and may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are herein 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 as aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

Money agreed upon or assessed how to be paid and tendered.

LIX. And be it further enacted, That all and every Sum or Sums of Money, Consideration, Recompence, or Satisfaction to be agreed upon or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Monies to be raised by virtue of this Act, either into the Bank of *England*, or (as the Case may be) to the Parties or Persons respectively entitled to receive the same, or to their Agents; and upon Payment or Tender thereof to such Persons or their Agents, or upon depositing such Monies in the Bank of *England* in the Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to widen, divert, or turn such Road through or over such Lands, Tenements, or Hereditaments, and to do all and every such Act, Matter, and

Thing with relation thereto, as the said Trustees shall think fit, and thenceforth all Parties and Persons interested in such Lands, Tenements, and Hereditaments shall be divested of all Right and Title in and to the same and every Part thereof.

Application of Money when amounting to 200*l.*

LX. And be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, of any Body Politic, Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives, or of any other Estate, in strict or other Settlement, shall amount to or exceed the Sum of Two hundred Pounds, such Money shall 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 Lands, Tenements, 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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 Lands, Tenements, 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 and 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 Court, 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 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 Lands, Tenements, and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

LXI. Pro-

Where less than 200*l.* and above 20*l.*

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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 Lands, Tenements, 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 Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be 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 therefrom may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Not exceeding 20*l.*

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Lands, Tenements, and 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 certain Cases the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

LXIII. 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 the Purchase of any Lands, Tenements, or Hereditaments 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 such 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 Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said

said Lands, Tenements, or Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court; 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, or 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 and substantiating such Claim; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England* who shall receive such 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 the same into the Bank as aforesaid.

Where any Question shall arise as to the Title to Money.

LXIV. 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased under 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 Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under his, her, or their Possessions, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of such Bank Annuities, 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 Lands, Tenements, or Hereditaments.

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

LXV. 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 Lands, Tenements, 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 Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, 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.

Trustees empowered to sell Land not wanted for the Purposes of the Act.

LXVI. And whereas the Trustees for executing this Act may be seised of some Piece or Pieces of Land, over and above what may be necessary for effecting the Purposes of this Act; and it is expedient that they should have Power to sell the same, as well as any Piece or Pieces of old Road which may be no longer of public Utility; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to sell and dispose of such several Pieces of Land or old Road, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

First Offer to whom to be made.

LXVII. 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 Land not wanted for the Purposes 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 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 County, Town, or Place where such Land or Road shall lie (who is hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Land, 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 Land, 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 like Manner as by this Act is 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 Land as aforesaid, shall be applied to the Purposes of this Act, but the Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Surveyors may get Materials in Waste Lands without pay-

LXVIII. And be it further enacted, That the Surveyor or Surveyors of the said Road hereby directed to be kept in repair, and such Persons as shall be employed by him or them, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take and

carry away any Furze, Heath, Stone, Gravel, Flint, Sand, or other Materials proper for making or repairing the said Road, or for the Purposes of this Act, out of or from any Common or Waste Ground, common River or Brook situate in any Parish, Hamlet, or Place wherein any Part of the said Road shall lie; and in case sufficient Quantities of such Materials as aforesaid cannot conveniently be gotten in the Places last described, then to cut, dig, gather, take and carry away the like Materials out of any Common or Waste Ground, common River or Brook in any adjoining Parish, Hamlet, or Place, without paying any thing for the same, such Surveyor or other Person filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and in case sufficient Materials cannot conveniently be gotten in such Commons or Waste Grounds, common Rivers or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, by order of any Two or more Justices of the Peace for the County in which the Land may be situated, to search for, cut, dig, gather, take or carry away any such Materials as aforesaid in, upon, out of, or from the private Lands of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees) in any Parish, Hamlet, or Place in which any Part of the said Road lies, paying or tendering Payment for the Damage done to the Owners or Occupiers of the Grounds whereon, through, or from whence the same shall be cut, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, and for such Materials, such Equivalent in Money as the said Trustees shall adjudge reasonable; and in case of any Difference between the Trustees, their Surveyor or Surveyors, or other Persons employed by them as aforesaid, and the Owners or Occupiers of any private Lands, concerning such Payment and Damages as aforesaid, any Two or more Justices of the Peace for the County in which such Difference shall arise, on Five Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payment and Damages.

ing for the same;

and in private Lands, making Satisfaction.

Differences to be settled by Two Justices.

LXIX. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any Materials for repairing such Road out of or from any inclosed Lands, until Ten Days Notice in Writing, signed by the Surveyor or Surveyors of the said Road, shall have been given to the Owner or Owners, Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left at his, her, or their House or Houses, or usual Place or Places of Abode, to appear before any Justice or Justices of the Peace acting in and for the County wherein such Lands shall be situate, to shew Cause why such Materials should not be had from such Lands; and in case such Owner or Owners, Occupier or Occupiers, or his, her, or their Agents, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, it shall be lawful

Notice to be given before Materials taken from inclosed Lands.

lawful for such Justice or Justices by his or their Order to authorize such Surveyor or other Persons to dig, gather, get, take and carry away such Materials in such Manner as to such Justice or Justices shall seem proper; and if such Owner or Owners, Occupier or Occupiers shall neglect or refuse to appear by himself, herself, or themselves, or his, her, or their Agent, such Justice or Justices may upon Proof on Oath of the Service of such Notice, (which Oath he or they is and are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Owners, Occupier or Occupiers, or his, her, or their Agent had attended.

Penalty on taking away Materials.

LXX. 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 on any Lands, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of repairing or improving the said Road hereby directed to be repaired, or if any Person or Persons shall dig, 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 Surveyor or his Workmen shall have discontinued working therein for the Space of Two Calendar Months, except the Owner or Owners, Occupier or Occupiers, of any private Ground, and any Person or Persons authorized by him, her, or them to get Materials for such Owner's private Use only and not for Sale, all and every such Persons and Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds over and above the Value of the Materials so taken away.

Surveyors to remove Annoyances.

LXXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances, Annoyances, and Obstructions on any Part or Parts of the said Road, by Timber, Wood, Stone, Carriages, Sawpits or other Pits, Trees, Ashes, Dung, Marl, Filth, Rubbish, Straw, or otherwise, lying or being in or on the Sides of the said Road, and to turn any Ditches, Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Road to the Prejudice thereof, and to open, scour, or cleanse, widen, deepen, and enlarge, stop up and vary the Course of any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road or any Part or Parts thereof, and also to cut down, lop, top, or prune any Branches of Trees, Shrubs, or Bushes growing in the Hedges or Fences adjoining the said Road, (so as the same be not planted for Ornament or Shelter to any House, Yard, Garden, or Orchard, or be not a planted Walk or Avenue to any House) which overhang any Part of the said Road, and reduce such Hedges to a Height not less than Four Feet, and to take and carry away such Branches of Trees, Shrubs, and Bushes, or the Loppings or Prunings thereof, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Fourteen Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof to be settled by any One of His Majesty's

Majesty's Justices for the County wherein such Annoyance shall happen, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers, and levied and recovered in the same Manner as other Penalties, Forfeitures, and Fines by this Act authorized to be imposed are herein-after directed to be levied and recovered; and if after Removal of any such Annoyances, any Person shall offend again in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may contract for Repairs, or any other Work.

LXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for widening, altering, improving, or repairing the said Road, or any Part or Parts 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 or otherwise, as the said Trustees shall think proper.

Persons before liable to repair Roads to continue so.

LXXIII. And be it further enacted, That all Persons, Hundreds, Townships, Parishes, Hamlets, Vills, and Places, and the Inhabitants thereof, and all Bodies Politic and Corporate, who before the passing of the said Acts or this Act have or hath been used, or of Right ought by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account, to repair any Part or Parts of the said Road, or any Bridge, Drain, or Watercourse in or upon the same, shall still remain subject and liable to and chargeable with such Repairs, in the same Manner and to the same Extent as they and every of them have or hath heretofore usually been or would have been in case the said Acts or this Act had not passed.

Statute Duty.

LXXIV. 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 by this Act directed to be kept in repair, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, acting in and for the Counties of *Warwick* or *Worcester*, within their respective Jurisdictions, and they are hereby required and empowered, upon Application to them made by the said Trustees, or by their Clerk, Surveyor or Surveyors, by their Order, yearly to adjudge and determine what Part or Portion of Statute Work shall annually be done upon the said Road by the Inhabitants of the respective Parishes, Hamlets, 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, Hamlet, 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 or Surveyor; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, within their respective Jurisdictions, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after Service thereof) of the Names of the several

Persons who within such Parish, Hamlet, or Place respectively 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 Public Highways; and out of such Lists such Justices shall and may appoint and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road hereby directed to be repaired, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Time (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, 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 Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees, or to their Treasurer or Surveyor, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors of such Highways, 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 other Penalty is by this Act directed to be recovered; and each and every Person who shall refuse or neglect to do such Statute Work as aforesaid, after Five Days Notice in Writing shall have been 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, signed by the said Surveyor or Surveyors 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 such Person, and the Party liable to do such Statute Duty shall thenceforth 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 Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in such

Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Duty.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree by the Year, or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of or in any of the Parishes, Hamlets, or Places wherein the said Road lies, for a certain Sum of Money, in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyors of the Highways for any such Parishes, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be done and performed upon the said Road within the same respectively; all which Composition Monies shall be paid by the Surveyor or Surveyors of the Highways of the said Parishes, Hamlets, or Places, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *November* for the Six Months ending at *Lady Day*, and on or before the First Day of *May* for the Six Months ending at *Michaelmas*, in each Year, otherwise the Inhabitants and Occupiers of such Parishes, Hamlets, or Places, shall not be permitted to compound for that Year.

Surveyors may make Causeways, cut Drains, &c.

LXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths along the Sides of the said Road, or any Part thereof, and to amend and repair the Causeways and Footpaths already made, and to cut Drains or Watercourses upon and through any Lands lying contiguous to the said Road, not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees; and also to make Ditches in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall adjudge necessary; and also to make sufficient Fences, Barriers, and other Erections on any Part of the said Road, to prevent any Rivulet or Current of Water from flooding the same, making reasonable Satisfaction to the Owners or Occupiers of such Lands so to be used or cut through for the Damages which they or any of them shall sustain thereby; and in case any Difference shall happen between the Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by Two or more of the Justices of the Peace for the County in which such Difference shall have arisen, who are hereby authorized and empowered to hear and determine the same.

For preventing Damages to Road, and Nuisances thereon.

LXXVII. And be it further enacted, That the said Trustees may, if they think fit, cause the said Road to be measured, and Stones or Posts to be placed in or near the Sides of the said Road, and also to cause to be erected Direction Posts upon such Parts of the said Road, where the same are crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully

fully pull up or damage any Bridge or Bridges, Culvert or Culverts, Direction or Mile Post or Stone erected or fixed in, across, or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining the said Road, or shall drive or lead any Horse, Beast or Swine, or wheel any Hand Cart, Barrow, or other Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (except upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel 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 shall turn or suffer any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine to be turned on or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Higler, Hawker, Pedlar, Gipsey, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Side of any Part of the said Road; or if any Person driving any Carriage upon the said Road shall ride on 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 kill, dress, or singe any Ox or other Beast, Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever within Eighty Feet from the Centre of any Part of the said Road, or play at Football or any other Game or Games to the Annoyance of any Passenger or Passengers on any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Windows to the Front of the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Road the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave any Carriage (except in Cases of Accidents) 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, and then such Carriage shall be placed as near to the Side of the said Road as conveniently may be, or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and

and the Fences now standing or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between any Part of 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, or shall carry Rods or Bars of Iron across the Back of any Horse, Mule, or Ass passing along the said Road, or if the Surveyor or Surveyors of the said Road, or any Contractor or Contractors for the Repairs of the said Road, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Road, or within Fifteen Feet from the Centre thereof, any Heaps of Stones or other Materials for repairing the said Road, or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Road, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Cattle straying, &c. on Road may be impounded.

LXXVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Road, or any Part thereof, or by the Sides thereof (except where the Road passes over any Common, or where the said Road is not fenced on both Sides), it shall be lawful for the Surveyor of the said Road for the Time being, or for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees or any Five or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall, for each and every such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be so paid within Five Days after such impounding, it shall be lawful for the said Trustees, or any Five or more of them, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges, and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates to open inwards.

LXXIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Road, that no Part of such Gate shall when open project over any Part of the said Road, or any of the

Footpaths thereof; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening contrary to the Directions of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Road is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County in which such Gate shall have been erected, and upon Conviction thereof upon the Oath of One or more credible Witness or Witnesses, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

For securing transient Offenders.

LXXX. 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 Person or Persons as he or they shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any 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 of the County where the Offence or Offences shall be committed, to be dealt with according to Law.

Recovery of Penalties.

LXXXI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County, Town, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction,

then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such County as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Conviction of Offenders.

LXXXII. And for the more easy Conviction of Offenders, 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 drawn up in the following Form of Words, 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 is convicted before me [*or* us] of His Majesty's Justices of the Peace for the said County, Town, or Place [*as the Case may be*] by virtue of an Act passed in the Second Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act, and specify the Offence, and when and where committed*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Proceedings not to be quashed for want of Form.

LXXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters herein contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated 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 where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same 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

shall afterwards be committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover such Satisfaction for the special Damages (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.

LXXXIV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, until Fourteen Days Notice shall have been given to the Clerk to the said Trustees, nor after a reasonable Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may 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 it shall appear that the same was so done, or that such Action or Suit was brought before Fourteen Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County than the County in which such Action shall have arisen, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or have discontinued his, her, or their Action or Suit after the Defendant or Defendants 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 recovering the same as any Defendant or Defendants hath or have in any Cases by Law.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXV. 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, and for which no particular Method of Relief hath been herein-before appointed, such Person may appeal to the Justices assembled at the General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, within Four Calendar Months next after such Cause of Complaint shall have arisen; such Appellant first giving or causing to be given Fourteen Days Notice at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance,

cognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Costs upon Appeal how to be recovered.

LXXXVI. Provided also, and be it further enacted, That in case the Costs which in any such Cause shall be given and awarded, shall not be immediately paid down into Court by such of the Parties to such Appeals as shall be ordered to pay the same, to the Person or Persons entitled to receive the same, or his, her, or their Attorney, or other Person authorized to receive the same, then the said Justices shall, at their Discretion, either immediately issue their Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, or if they shall judge proper shall order such Person or Persons to be forthwith committed to the Common Gaol of the said County, there to be detained until he, she, or they shall have paid such Costs; and in case such Person or Persons is or are not then present in Court, shall grant their Warrant for that Purpose; and if the Person ordered to pay such Costs shall happen to live in any County, City, or Place without the Jurisdiction of the said Court, it shall and may be lawful for any Justices of the Peace of the County, City, or Place wherein such Person shall inhabit, and every such Justice last mentioned is hereby authorized and required, upon Request to him for that Purpose made, and upon a true Copy of the Order for Payment of such Costs produced and proved by some credible Witness upon Oath, by Warrant under his Hand and Seal, to cause the Money mentioned in such Order to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same; and if no sufficient Distress can or may be had, to commit such Person to the Common Gaol of that County, City, or Place, there to be detained until he, she, or they shall have paid such Costs; and such Subpœnas or other Proceedings for subpœnaing and summoning Witnesses to give Evidence in such Appeals, as are usual in any other Cases or Matters triable at such Quarter Sessions, shall at the Request of any of the said Parties, and upon Payment of the usual Fees, be made out and delivered to the said Party or Parties by the Clerk of the Peace of or for the said County.

For paying the Expences of this Act.

LXXXVII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which may have been advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said Acts, or out of the first Monies which shall be raised or borrowed upon the Credit of this Act, or out of any Money to be collected by virtue hereof, in preference to all other Payments.

Public Act.

LXXXVIII. 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.

LXXXIX. And be it further enacted, That this Act shall commence and take Effect on the First Day of *January* next after the passing of this Act, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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