ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xlix.

An Act for repairing the Road from *Bromsgrove* in the County of *Worcester* to *Birmingham* in the County of *Warwick*. [19th *May* 1819.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of King *George* the First, intituled *An Act for repairing the Roads leading from the Town of* Bromsgrove *to the Town of* Dudley *in the County of* Worcester, *and from the said Town of* Bromsgrove *to the Town of* Birmingham *in the County of* Warwick: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His Majesty King* George *the First, intituled* 'An Act for repairing the 'Roads leading from the Town of Bromsgrove to the Town of Dudley in 'the County of Worcester, and from the said Town of Bromsgrove to the 'said Town of Birmingham in the County of Warwick, so far as the said 'Act relates to repairing the Roads leading from the Town of Birmingham 'to the Town of Bromsgrove in the County of Worcester, and for making the 'same more effectual:' And whereas another Act was passed in the Eleventh Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for enlarging and altering the Terms and Powers of several Acts made in the Thirteenth Year of the Reign of King* George *the First, and the*

13 G. 1. c. 15.

21 G. 2. c. 22.

11 G. 3. c. 92.

the Twenty-first Year of the Reign of King George *the Second, for repairing the Roads leading from the Town of* Bromsgrove *to the Town of* Dudley *in the County of* Worcester, *and from the said Town of* Bromsgrove *to the Town of* Birmingham *in the County of* Warwick, *so far as the said Acts relate to the repairing of the Roads leading from the Town of* Birmingham *to the said Town of* Bromsgrove: And whereas another Act was passed in the
30 G. 3. c. 101. Thirtieth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Terms and Powers of Three several Acts made in the Thirteenth Year of the Reign of King* George *the First, the Twenty-first Year of the Reign of King* George *the Second, and the Eleventh Year of the Reign of His present Majesty, for repairing the Road leading from the Town of* Bromsgrove *in the County of* Worcester *to the Town of* Birmingham *in the County of* Warwick: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded to put the same in Execution, so far as relates to the Road leading from *Bromsgrove* to *Birmingham*, and a considerable Sum of Money has been borrowed and is now due and owing on the Credit of the Tolls authorized to be taken on such Road, which Debt cannot be paid off, nor can the said Road be effectually amended, improved, and kept in repair, unless some of the Powers of the said Acts, so far as relates to the said Road, be altered and enlarged, and the Tolls increased; and it would be convenient if the Powers for managing the said Road were consolidated 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

Certain Parts of recited Acts repealed.

Twenty-fourth Day of *June* next after the passing of this Act, the said Acts of the Thirteenth Year of the Reign of His Majesty King *George* the First, of the Twenty-first Year of the Reign of His late Majesty King *George* the Second, and of the Eleventh and Thirtieth Years of the Reign of His present Majesty, shall, so far as the same relate to the Road leading from the Town of *Bromsgrove* in the County of *Worcester* to the Town of *Birmingham* in the County of *Warwick*, be and the same are hereby declared to be repealed, and instead thereof this Act shall commence and take Effect on the said Twenty-fourth Day of *June*, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the Road herein-after described.

New Term and Tolls liable to Debts, &c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they 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, 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 or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with any of the Trustees

of the ſaid Road, according to the Proviſions and Directions of the ſaid recited 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 Truſt created by this Act; and all Contracts or Agreements duly made or entered into by the Truſtees of the ſaid Road to or with any Perſon or Perſons ſhall 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 the ſaid recited Acts ſo far as relates to the ſaid Road hereby directed to be repaired.

Truſtees. III. And be it further enacted, That *John Adams*, *James Alſton*, *William Anderton*, *John Arnold*, *John Aſhmore* the younger, *William Aſhmore*, *George Attwood*, *Roger Auſter*, *George Barker*, *Philemon Baylis*, *James Bingham*, *Henry Bingham*, *Robert Blyth*, *Thomas Brettell* the younger, *Ananias Brettell*, *Joſeph Brettell*, *Henry Brettell*, *William Bullock*, *George Campion*, *William Chance*, *Thomas Cheſton*, *Thomas Collet*, *Thomas Colmore*, *Charles Creſwell*, *John William Crompton*, *George Derrington*, *James Dolphin*, *Thomas Farley*, *William Fletcher*, *Thomas Francis*, *William Francis*, *Samuel Galton*, *James Goddington*, *John Gordon*, *Joſeph Green*, *Thomas Green*, *John Harris*, *Philemon Baylis Haynes*, the Reverend *John Roſe Holden*, *Hyla Holden*, *John Hollington*, *John Horton*, *John Horton* the younger, *John Houghton*, *John Houſman*, *George Iddins*, *Thomas Izon*, *Joſeph Jakeman*, *Edward Johnſtone* Doctor of Medicine, *John Kettle*, *Iſaac Lea*, *Thomas Lee*, *Thomas Eyre Lee*, *Samuel Lloyd*, *James Lloyd*, *John Merry*, *Thomas Moore*, *John Moore*, *Philip Frederick Muntz*, *Thomas Noble*, *George Oſborne*, *David Owen*, *William Palmer*, *William Parks*, the Reverend *Charles Pixell*, *Richard Pratchet*, *William Price*, *Joſeph Richards*, *Henry Robeſon*, *William Robeſon*, *George Pierrepoint Rufford*, *William Congreve Ruſſell*, *Samuel Ryland*, *Thomas Ryland*, *Mark Sanders*, *John Scott*, *William Smith*, *William Wynne Smith*, *William Smith* Attorney, *William Spurrier*, *John Taylor*, *John Taylor* of *Bromſgrove*, *Joſeph Taylor*, *George Timmins*, *Thomas Shrawley Vernon*, *Thomas Tayler Vernon*, *Thomas Willetts*, *William Willetts*, *Thomas Willmore*, *Richard Wood*, *James Woolley*, and all and every the Juſtice and Juſtices of the Peace acting in and for either of the Counties of *Worceſter* or *Warwick*, ſhall be and they are hereby appointed Truſtees for repairing, altering, widening and improving the preſent Turnpike Road leading from a Brook called *Spadſbourne Brook* in the Town of *Bromſgrove* aforeſaid, to the Top of *Smallbrook Street* in the Town of *Birmingham* aforeſaid, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees. IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe, of which Meeting Fourteen Days Notice ſhall be given as is herein-after directed reſpecting the Appointment of Truſtees on Vacancies, to elect, nominate, and appoint any Number of fit and able Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby nominated and appointed.

Power to elect other Truſtees on Deaths, &c. V. And be it further enacted, That when any of the Truſtees hereby appointed, or to be elected and appointed in Manner herein mentioned, ſhall die or be diſqualified to act, or by Writing under their Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the remaining

ing or ſurviving Truſtees from Time to Time to elect and appoint One or more other fit Perſon or Perſons to be a Truſtee or Truſtees in the Room of all and every Truſtee or Truſtees dying, becoming diſqualified, or refuſing to act as aforeſaid; provided that public Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election be given by the Clerk to be appointed or continued by the ſaid Truſtees as herein-after is mentioned, by affixing ſuch Notice in Writing upon all the Toll-gates then erected and being upon the ſaid Road, Fourteen Days at leaſt before every ſuch Meeting; and all and every Perſon and Perſons who ſhall be elected and appointed a Truſtee or Truſtees purſuant to the Directions of this Act, ſhall and may act with the ſurviving and remaining Truſtees in the Execution of this Act, to all Intents and Purpoſes as if he or they had been named and appointed a Truſtee or Truſtees in and by this Act.

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 be in his own Right, or in Right of his Wife, ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements or Hereditaments of the clear Yearly Value of One hundred and fifty Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of Four thouſand Pounds; and if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record 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; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty upon Proof being given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all the Acts and Proceedings of any ſuch Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtee to take an Oath.

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

'I do ſwear, [*or, being One of the People called Quakers*, do 'ſolemnly affirm], That I am in my own Right, or in the Right of my 'Wife, truly and *bona fide* ſeiſed or poſſeſſed of, and in the actual Poſ-'ſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tene-'ments or Hereditaments of the clear Yearly Value of One hundred 'Pounds above Reprizes; [*and in caſe of an Heir Apparent*] I do 'ſwear [*or, being a Quaker*, do ſolemnly affirm], that I am Heir Apparent

'of

'of who, to the beſt of my Knowledge and Belief, is truly 'and *bona fide* ſeiſed or poſſeſſed of, and in the actual Poſſeſſion or Receipt 'of the Rents and Profits of Meſſuages, Lands, Tenements or Heredita-'ments of the clear Yearly Value of One hundred and fifty Pounds above 'Reprizes; [*and in caſe of Perſonal Eſtate*] I do ſwear, [*or, 'being a Quaker*, do ſolemnly affirm], that I am truly and *bona fide* poſ-'ſeſſed of a clear Perſonal Eſtate of the Amount or Value of Four 'thouſand Pounds; and that I will truly and faithfully execute the 'Powers and Truſts repoſed in me by an Act paſſed in the Fifty-ninth 'Year of the Reign of His Majeſty King *George* the Third, intituled '*An Act* [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Truſtees holding Places of Profit not to act.

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

Victuallers not to be Officers or act as Truſtees.

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

General Meeting of Truſtees.

X. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Woolpack Inn* in *Birmingham* aforeſaid, or at ſome other Houſe in *Birmingham* aforeſaid, on the Firſt *Monday* after the Commencement of this Act, between the Hours of Nine of the Clock and Twelve of the Clock in the Forenoon, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and the ſaid Truſtees ſhall then and from Time to Time afterwards adjourn themſelves, and meet at the ſame Place or at ſuch other Place, either in the Town of *Birmingham* or in ſome one of the ſaid Pariſhes through or into which the ſaid Road is made or paſſes, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees at any Meeting aſſembled ſhall not

not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed on all the Toll-gates then erected in, upon, acroſs, or on the Sides of the ſaid Road, at leaſt Fourteen Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Six Weeks next after the Day on which ſuch laſt Meeting was appointed: Provided always, that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting except the Firſt Meeting to be held under this Act, before the Hour of Eleven of the Clock in the Forenoon, nor ſhall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon, of the Day on which ſuch Meeting may be appointed to be holden.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees or their Clerk, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Two or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, ſuch Meeting not being leſs than Seven Days after ſuch Notice, and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements in the Execution of this Act; and no ſuch Order, Agreement, or Determination ſhall be made unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given at leaſt Ten Days before, by affixing the ſame in Writing upon all the Toll-gates then erected on the ſaid Road, nor unleſs a greater Number of the Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination of the ſaid Truſtees; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

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

Truſtees to pay their own Expences.

Chairman to have a caſting Vote.

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

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

XIII. And

Orders, &c. to be entered.

XIII. And be it further enacted, That all Orders and Proceedings of the Truſtees, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or by their Chairman, which Book or Books, and alſo the Book and Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments or Transfers thereof, ſhall be admitted as Evidence in all Courts whatſoever, touching any Thing done in purſuance of this Act.

Accounts to be kept of Receipts and Diſburſements.

XIV. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, 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 any Sum of Money 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, and 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 the ſaid Truſtees or ſuch Creditors or any of them to inſpect the ſame 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 hereinafter mentioned.

Appointing Officers Salaries, &c.

XV. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their reſpective Hands, to appoint or continue ſuch Collector or Collectors of the ſaid Tolls, and Clerk or Clerks, Treaſurers or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors or other Officers, to appoint others in their Stead; and may and they are hereby authorized and empowered, out of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them or any of them in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour and Services as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or ſhall refuſe

or

or neglect to pay the Money due on such Account in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, City, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint being made to them by any Two or more of the said Trustees, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers or Person or Persons to be brought before them, and upon his, her or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Officers or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath such Justices within their respective Jurisdictions are hereby empowered and required to administer, without Fee or Reward), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers or Person or Persons, such Justices may and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers or Person or Persons shall not appear before such Justices, unless for some sufficient Excuse, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid, such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers or Person or Persons 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 shall have given and made a true and perfect Account and Payment as aforesaid; or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, which Composition the said Trustees are hereby empowered to make, or until he shall have delivered up such Books, Papers and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers,

Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices; and no ſuch Treaſurer, Receiver, Collector, or other Officer, ſhall be permitted to enter upon or continue in ſuch their Offices reſpectively unleſs they ſhall have given ſuch Security.

Truſtees may appoint temporary Collectors in certain Caſes.

XVII. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of Tolls, any Three or more of the Truſtees, though not aſſembled at any General Meeting of the Truſtees appointed by virtue of this Act, by Writing under their reſpective Hands, ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver as ſhall ſo die, become incapable, abſcond, or abſent himſelf; which Perſon ſo nominated and appointed ſhall have the like Power and Authority and be anſwerable and accountable in the ſame Manner in all reſpects as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to.

Offices of Clerk and Treaſurer not to be held by the ſame Perſon.

XVIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who 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 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 aforeſaid, 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 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.

Books, &c. relative to former Acts to be delivered to the Truſtees.

XIX. And be it further enacted, That all Perſons who are or have been employed, or who have received any Tolls or other Money on account of the ſaid Road by virtue of the ſaid Acts, 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, pay, and deliver over the ſame and every Part thereof, to the Truſtees in and by this Act named and appointed, in like Manner and under the like Penalties as the ſeveral Collectors or other Perſons receiving any Money by virtue of this Act are herein-before required to pay or account for the ſame.

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

XX. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the

Act of any such Clerk without the Consent of the said Trustees, but the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in any such Action: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in Consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to erect Toll Gates.

XXI. 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 Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Road by virtue of the said Acts, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses in, upon, or across any Part of the said Road by this Act directed to be widened, improved, or kept in repair, and also such and so many Toll Gates and Toll Houses on the Sides of the said Road, and in, upon, or across any Street, Lane, or Bye-way that does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same, and also shall or may erect or provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding One Eighth of an Acre of Land, at or near each of the said Toll Gates: Provided nevertheless, that no Toll Gate shall be erected nearer to the Town of *Birmingham* than a certain Lane or Highway in the Parish of *Edgbaston*, leading out of the said Road to or towards *Moseley*; and no Toll Gate shall be erected nearer to the Town of *Bromsgrove* than One Mile from the aforesaid Brook called *Spadsbourne Brook*.

Restrictions as to placing Gates.

Toll Houses, &c. vested in Trustees.

XXII. And it is hereby enacted and declared, That the Right and Property of and in all Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, and Fences already erected on the said Road, by virtue of the said Acts, and which shall be erected and provided in pursuance of this Act, with the several Grounds, Conveniences and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools, and Implements which have been or shall be provided for repairing the said Road by this Act directed to be widened, improved, or kept in repair, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take or carry away, spoil, destroy, injure, or damage, any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Tools, or Implements aforesaid, in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates and

Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Mile Stones, Direction Boards, Poſts, Rails, and Fences, Tools or Implements, to be the Property of the Clerk for the Time being to the ſaid Truſtees.

Power to remove Toll Gates.

XXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Toll Bars already erected, or which ſhall be continued or erected in, upon, or acroſs, or on the Side or Sides of any Part of the ſaid Road by virtue of this Act, to be removed to and erected in, upon, or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Road as the ſaid Truſtees or any Five or more of them ſhall from Time to Time order and direct, ſubject to the Reſtrictions aforeſaid: 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 Twenty-one Days at leaſt upon all the Toll Gates then ſtanding upon the ſaid Road.

Power to ſell the preſent Toll-Houſes.

XXIV. 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 upon the ſaid Road by virtue of the ſaid Acts, or hereafter to be erected by virtue of this Act, and the Ground whereon the ſame may ſtand, with the Outhouſes, Gardens, and Appurtenances thereunto belonging, when they ſhall be conſidered by the ſaid Truſtees uſeleſs and unneceſſary 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 Houſes, Gardens, and Appurtenances to the Perſon or Perſons who ſhall purchaſe the ſame, as an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, 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 his, her, or their Purchaſe Money, nor be anſwerable 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 Houſes may have been erected was purchaſed, as is herein directed to be given where any Piece or Pieces of Ground or old Road not wanted for the Purpoſes of this Act is authorized to be ſold and diſpoſed of.

Power to take Tolls.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Perſon or Perſons to be appointed by virtue of this Act Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, ſubject to the Reſtrictions hereinafter contained, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates already erected upon the ſaid Road by virtue of the ſaid Acts hereby repealed, and which by virtue of this Act ſhall be continued or erected in, upon, or acroſs, or on the Side or Sides of the ſaid Road, and on every Day, ſuch Day to be computed from Twelve of the Clock at

at Night to Twelve of the Clock in the next ſucceeding Night; (that is to ſay),

Tolls.

For every Horſe, Mule, or other Beaſt, drawing any Stage Coach, the Sum of Five-pence:

For every Horſe, Mule, or other Beaſt, drawing any other Coach, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calaſh, Chaiſe, Chair, Gig, Whiſkey, Taxed Cart, Caravan, Hearſe, Litter, or other ſuch Carriage, the Sum of Four-pence:

For every Horſe, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having Wheels of the Breadth of Nine Inches in the Fellies or Sole thereof, the Sum of Two-pence Halfpenny:

For every Horſe, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having Wheels of the Breadth of Six Inches and leſs than Nine Inches in the Fellies or Sole thereof, the Sum of Three-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having Wheels of leſs Breadth than Six Inches, the Sum of Four-pence Halfpenny:

For every Horſe, Mule, or Aſs, not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and ſo in proportion for any greater or leſs Number:

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

Tolls to be paid before the Cattle paſs the Gate.

And the ſaid reſpective Tolls ſhall, ſubject to the Reſtrictions in this Act contained, be demanded and taken before any Horſe, Mule, or other Beaſt, Coach, Waggon, Cart, or other Carriage whatſoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Sheep or Lambs, be permitted to paſs through any Toll Gate 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 the ſame, and upon Payment of any of the Tolls, the Collector or Receiver ſhall and he is hereby required to deliver to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, on which Note or Ticket ſhall be named and ſpecified the ſeveral Toll Gates freed by ſuch Payment.

Limiting the Number of Tolls.

XXVI. Provided alſo, and be it further enacted, That no more than Two full Tolls on the whole Line of Road 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 or Carriages as aforeſaid, in any One Day, for paſſing and repaſſing through all or any of the ſaid Toll Gates or Toll Bars erected or continued, or to be erected or continued on the ſaid Road, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night.

Exemption of certain Perſons from Payment of Tolls at any Gate erected

XXVII. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate to be erected by Authority of this Act between the Town of *Bromſgrove* and the Junction with the ſaid Road of the Turnpike Road from *Bromſgrove* through *Haleſowen* to *Dudley*, of or from any Perſon or Perſons for or in reſpect of any Carriage or

or Horſe or other Beaſt going to *Bromſgrove*, which ſhall have paſſed through and paid Toll at either of the Gates called the *Lydiat Aſh* and *Grange Gates* erected on the ſaid *Bromſgrove* and *Dudley* Turnpike Road, ſuch Perſon or Perſons producing a Ticket denoting ſuch Payment. near Bromſgrove.

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

XXIX. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſes or Carriages belonging to or conveying or attending His Majeſty or any of the Royal Family, or for any Horſe or Cattle drawing any Carriage paſſing through any of the Toll Gates or Toll Bars erected or continued or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed on or about the ſaid Road, or for repairing any of the Highways or Bridges in the Pariſhes, Diſtricts, or Places which are liable to perform Statute Duty upon any Part of the ſaid Roads, or on returning empty having been ſo employed, or carrying or conveying Hay not having been ſtacked, Straw or Corn in the Straw only, not ſold or diſpoſed of, but going to be laid up in the Houſes, Outhouſes, Barns, or Yards of the Owners thereof in any of the ſaid laſt mentioned Pariſhes, Diſtricts, or Places, or any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in any of the ſame Pariſhes, Diſtricts, or Places, or to be taken to any Place for the Purpoſe of the ſame being repaired, or to be brought back from ſuch Place after the ſame ſhall have been repaired, or any Dung, Mould, Aſhes, Soot, Horn, Bones, Soil, or Compoſt of any Kind whatſoever to be uſed in the Cultivation or manuring of Lands (except Lime), or for the Horſes of any Clergyman going to or returning from viſiting any of his ſick Pariſhioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Miniſterial Duty, or from any other Perſon or Perſons reſiding in any of Exemptions from Toll.

the ſaid Pariſhes, Diſtricts, or Places, who ſhall paſs through any of the ſaid Toll Gates or Toll Bars to or from his, her, or their proper Parochial Church or Chapel, or from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Diſtricts, or Places; or for any Horſe, Mule, Aſs, or Cattle kept within ſuch Pariſhes, Diſtricts, or Places going to or returning from Work in cultivating Lands therein, or for any Horſe or Cattle going to or returning from Water or Paſture, or going to or returning from being ſhod, or for any Horſe or Carriage, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom, or for the Horſes of Officers and Soldiers on their March, or on Duty, or for Carriages, or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; or for any Horſe, Mare or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that all ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption, and not otherwiſe; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance or Barrack, or other Public or Commiſſariat Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or returning after having been ſo employed; or for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the Counties of *Worceſter* and *Warwick*, or either of them, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid not being entitled thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; Provided always, that no Toll ſhall be demanded or taken for any Carriage, Horſe, Cattle, or other Beaſts, which ſhall not go or paſs more than One hundred Yards on the ſaid Road, ſave and except in ſuch Caſes where ſuch Toll ſhall be payable by virtue of an Act paſſed in the Fourteenth Year of His preſent Majeſty's Reign, intituled *An Act to repeal ſo much of an Act made in the laſt Seſſion of Parliament, for reducing into One Act the general Laws relating to Turnpike Roads, as exempts Perſons from Payment of Toll at Side Gates erected at Places ſpecified in any Act of Parliament.*

14 G. 3. c. 57.

Exempting Stores from Overweight.

XXX. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided

provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same, 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 the Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Exemptions by 55 Geo. 3. not to be affected.

XXXI. Provided always, and be it further enacted, That Waggons, Carts, and other such Carriages having the Wheels and Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, 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.

Tolls may be reduced.

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

Trustees may compound for Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Parishes, Hamlets or Places to or through which any Part of the said Road does or shall pass or lead, for the passing of all or any Description of their Horses, Cattle or Carriages through all or any of the Toll Gates erected or continued or to be erected by virtue of this Act; 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.

For settling Disputes concerning Tolls.

XXXIV. And be it further enacted, That if any Dispute shall happen concerning any Tolls due or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining,

training, to retain such Distress or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, upon the Goods and Chattels of the Person or Persons refusing to pay the same, rendering the Overplus, if any, on Demand after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

To prevent Evasion of Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued, or to be 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 any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast or Carriage to pass through the same, save and except as aforesaid, with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Toll, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox or any other Cattle or Beast from any Carriage, whereby the Payment of any of the said Tolls or any Part or Parts of the said Tolls shall be evaded, or shall leave or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, Cattle or Beast with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods, Articles, or Things from any Carriage, that such Carriage may pass empty, or with an exempted Load only, or not pass through any Toll Gate; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For punishing Gate-keepers misbehaving.

XXXVI. And be it further enacted, That all and every the Toll Collectors, being 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 and 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, on the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or

Names

Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground, or White Letters on a Black Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame 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 the Powers of this Act, or of the Orders and 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 hinder any Perſon or Perſons from reading his Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the 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 to denote the Payment of the Toll when demanded, 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.

Collectors declared competent Witneſſes.

XXXVII. 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.

Power to leaſe the Tolls.

XXXVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees from Time to Time, by Writing under their Hands and Seals, to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts thereof, unto any Perſon or Perſons from Year to Year, or for any Term of Years not exceeding Three Years at any one Time, for the beſt Rent that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants as the ſaid Truſtees ſhall think fit, they the ſaid Truſtees taking a Counterpart of all and every ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and Perſons to whom ſuch Tolls ſhall be leaſed and demiſed, for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Truſtees may bid once.

XXXIX. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates ſhall be put up to be let to farm, the Truſtees may, if they think fit, appoint ſome Perſon to bid once for the ſame, to the Intent that ſuch Tolls may not be let for leſs than an adequate Value.

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

XL. And be it further enacted, That in caſe all or any of the ſaid Tolls ariſing by virtue of this Act 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 by 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 ſhall be in Poſſeſſion of any Collector or Collectors who ſhall be removed or diſcharged from his or their Office of Collector, or ſhall depart this Life, 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 Houſes may be ſituated, by Warrant under his Hand and Seal to order a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, 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 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.

Penalty on Leſſees compounding for overweighted Carriages.

XLI. And be it further enacted, That if the Leſſee or Farmer for the Time being of any of the Tolls hereby granted, or any Perſon acting under him or her, ſhall without the Concurrence of the Truſtees acting in the Execution of this Act, compound for or agree to permit or ſhall ſuffer any overweighed Waggon or other Carriage ſubject to an additional Toll or Penalty by reaſon of the Weight thereof, to paſs or repaſs through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon ſuch overweighted Waggon or other Carriage, ſuch Leſſee or Farmer ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, whereof one Moiety ſhall go to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as other Penalties are herein-after directed to be applied.

For borrowing Money on Security of Tolls.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Meeting, to borrow and take up at Intereſt upon the Credit and Security of the Tolls to ariſe by virtue of this Act, in ſuch Manner as they ſhall think proper, ſuch further Sum or Sums of Money not exceeding the Sum of

Five hundred Pounds, as they or any Five or more of them ſhall think fit; and for ſecuring the Repayment of all ſuch Sum and Sums of Money with lawful Intereſt for the ſame, they the ſaid Truſtees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demiſe or mortgage the ſaid Tolls or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houſes for collecting the ſame during the Continuance of this Act, the Charges of ſuch Mortgages to be paid out of ſuch Tolls, as a Security or Securities to any Perſon or Perſons who have advanced, or ſhall at any Time advance any Money for widening, improving, or keeping in Repair the ſaid Road or any Part thereof, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with lawful Intereſt for the ſame, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*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 of to the Treaſurer of the ſaid Road, do hereby grant, bargain, ſell, and demiſe unto the ſaid his Executors, Adminiſtrators, and Aſſigns, for and during the Continuance of the ſaid Act, ſuch Proportion of the Tolls to ariſe upon the ſaid Road, and the Toll Gates, Toll Bars, and Toll Houſes already made and erected, 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 Date hereof for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with legal Intereſt, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord

'

And all ſuch Mortgages or Mortgage Securities ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected by the ſaid Truſtees, or any Creditor or Creditors of the ſaid Truſt without Fee or Reward; and it ſhall be lawful for all Perſons reſpectively to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt in and to ſuch Mortgage and the Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever, which Aſſignment or Transfer may be made in the following Words or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be underwritten or thereunto annexed, and ſigned in the Preſence of and atteſted by One or more credible Witneſs or Witneſſes; that is to ſay,

'I the within-named , or I Aſſignee, Executor, or Adminiſtrator of the within named (*as the Caſe may be*) do hereby aſſign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby ſecured, and all Intereſt now due and hereafter to grow due upon the ſame, unto

' of

'of his Executors, Adminiſtrators, and Aſſigns. Dated 'this Day of in the Year of our Lord
'Witneſs to the ſigning hereof .'

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

Old Mortgages may be cancelled and new ones granted.

XLIII. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required by the Perſon or Perſons entitled thereto, deſtroy and cancel all or any of the Mortgages, Aſſignments, Declarations of Truſt, or Securities now ſubſiſting, that have been made by virtue of the ſaid Acts of the Tolls thereby authorized to be collected on the ſaid Road, and to give and execute a Mortgage or Mortgages of the ſaid Tolls by this Act granted in Manner herein-before directed, for ſuch Sum or Sums of Money as may be expreſſed in any Mortgage, Aſſignment, or Security to be cancelled by virtue of this Act.

An Action of Ejectment may be ſupported by One Mortgagee.

XLIV. 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 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 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.

For paying Creditors by Lot.

XLV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times be deſirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the ſaid Road, it ſhall and may be lawful for them or any Five or more of them, at any Meeting to be holden as aforeſaid, Notice of ſuch intended Meeting and of the

the Purpoſe thereof being firſt given at leaſt Twenty-one Days preceding the ſame, by Advertiſement in ſome Newſpaper printed in or uſually circulated within the ſaid Counties of *Worceſter* and *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.

Application of the Money.

XLVI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act ſhall have been raiſed and produced by virtue of the ſaid Acts or any of them, for and in reſpect of the ſaid Road, and which ſhall be remaining 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 by this Act granted and made payable, together with the Monies which ſhall be borrowed on the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following (that is to ſay), in Payment of all the Coſts, Charges, and Expences which ſhall have been incurred in the applying for, or obtaining and paſſing of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houſes, and other Buildings, and keeping the ſame in Repair, and of altering, raiſing, widening, repairing, and preſerving the ſaid Road by this Act directed to be kept in Repair as aforeſaid, and of erecting and making neceſſary and convenient Culverts, Arches, or Bridges upon the ſaid Road, and otherwiſe executing the ſeveral other Purpoſes of this Act, and in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money and Intereſt which ſhall have been borrowed and ſecured in purſuance of and for the Purpoſes of the ſaid Acts in reſpect of the ſaid Road, and the ſeveral Principal Sums of Money which may be hereafter borrowed and ſecured by virtue of this Act, ſuch Reduction, Payment, and Diſcharge to be made and done either rateably or by Lot, as the ſaid Truſtees ſhall think proper.

Truſtees may widen or alter Road and purchaſe Lands.

XLVII. 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 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 or Exchange of any Lands, Grounds, 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 in anywiſe ſuſtain by ſuch widening, turning, varying or altering ſuch Road, and to pay 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 between ſuch Owners, Proprietors, Occupiers, or Perſons intereſted as aforeſaid, and the ſaid Truſtees, and for the Coſts attending ſuch Purchaſe, which Road, when widened, turned, varied, or altered by virtue of this Act, ſhall be and remain Sixty Feet wide at the leaſt; and ſuch Lands and Grounds when ſo purchaſed as aforeſaid, ſhall by Order and Direction of the ſaid Truſtees be laid into and made Part of ſuch

Road in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall 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, in turning, varying, or altering any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being, of the Estate, Lands or Grounds which may be affected by any such Deviation respectively.

Dwelling-houses, Gardens, &c. not to be damaged.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall 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, Inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively, in Writing, first had and obtained, other than and except Part of a Garden and Curtilage belonging to a House called the *Pigeon House*, situate in the Parish of *Northfield*, in the County of *Worcester*, the Property of *Samuel Ryland*, in the Occupation of *Robert Cottrill*.

Trustees to fence the Road.

XLIX. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Road, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Road, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post and Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road, into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years, from the Time that such Fences shall have been made or set up, unless the Owner or Proprietor for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from an earlier Period.

Incapacitated Persons empowered to sell.

L. And for removing all Difficulties which may obstruct such Contracts, be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate, 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, 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 seized of or interested in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seized or possessed of, or interested in, any such Lands 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 or Hereditaments, or any Part thereof, for any of the Purpoſes of this Act; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, 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, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, 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 or Hereditaments, upon Notice to him, her, or them given in Writing, or left at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Land or Hereditaments which may be uſed or taken for the Purpoſes of widening, altering, or improving the ſaid Road, or any Part or Parts of ſuch Road, ſhall by the Space of Forty Days 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 ſhall be hindered from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage to be inquired into and aſcertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Lands or Hereditaments ſhall be ſituated (which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted, for or on account of the uſing and taking of ſuch Lands or Grounds for the Purpoſes of this Act; and in order thereto, the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter, and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Occupiers, or Proprietors of, or other Perſons intereſted in the ſaid Lands or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, or Remainder, in Fee or in Tail, General or Special, or for Life

Verdict of the Jury to be final.

Life or Lives, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any ways intereſted in ſuch Lands or Grounds, ſhall upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, or upon depoſiting the ſame in the Bank of *England* in the Manner directed by this Act (as the Caſe may require), thereby be thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of ſuch County, thereby commanding and requiring the ſaid Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear on ſuch Summons, 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 Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, 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, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, unleſs for ſome ſufficient Excuſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner ſhall wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes ſhall refuſe or neglect to appear, having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, not having a ſufficient Excuſe, or appearing ſhall refuſe to be ſworn and give Evidence, and from Time to Time 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.

Sheriff, &c. to be fined on Neglect of Duty.

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

LI. 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 or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as

as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arisen or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of such Jury, as a Recompence 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 arise, 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 therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

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

LII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees or any Five or more of them to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or upon depositing the same in the Bank of *England*, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall thenceforth for ever be deemed Part of the Road by this Act directed to be improved, amended, and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Power to discontinue certain Line of Road on Bromsgrove Lickey.

LIII. And whereas by the said recited Act of the Thirtieth Year of His present Majesty's Reign, the said Trustees in that and the said former Act named, were empowered to make Two Tracks or Lines of Road Twenty Yards wide each, upon and over such Part of a Common lying in the

the ſaid County of *Worceſter* called the *Lickey*, as is therein deſcribed to lie between the Tenth Mile Stone and a Croſs Road leading to *Burcott* in the ſaid County of *Worceſter*, which ſaid Two Tracks have been laid out and made, and the ſaid Common hath ſince been divided and incloſed by Authority of Parliament: And whereas One of the ſaid Two Tracks or Lines of Road over the ſaid late Common Lands called the *Lickey*, namely the Lower or South Line, is unneceſſary and no longer wanted for the public Convenience; be it therefore enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to ſtop up and diſcontinue the ſaid Lower or South Track or Line of Road, except where the Highway from *Catſhill* to *Shipley* croſſes the ſame, and except as herein-after provided; and from and after the paſſing of this Act the Truſtees for executing this Act ſhall thenceforth be diſcharged from the future Repairs of any Part of the ſaid South Track or Line hereby authorized to be ſtopped up and diſcontinued: Provided nevertheleſs, that ſuch Part or Parts of the ſaid Track or Line of Road which leads to any Houſe or Grounds to which the North Track or Line doth not lead (other than the Lands or Grounds of Perſons chooſing to purchaſe ſuch Portions of the ſaid Track or Line reſpectively adjoining their ſaid Lands or Grounds), ſhall be left open to the Extent of Twenty-four Feet wide at the leaſt, for a Carriage and Occupation Road to ſuch Houſes and Grounds.

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

LIV. 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.

LV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or in caſe ſuch Ground ſhall be a Piece or Pieces of Old Road, or a Strip or Strips of Land cut off by any Deviation of Road, to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively within Forty Days next after ſuch Offer, 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 Ground 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 Ground, ſtating that ſuch Offer was made by or on the behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts

whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner by this Act directed, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in 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 Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Application of Money when amounting to 200l.

LVI. And be it further enacted, That the 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 or Collegiate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, 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 of any other Eſtate in ſtrict or other Settlement, ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex-parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid 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 any 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 and with 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 the 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 of Chancery upon Application thereto, be veſted 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

the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and not exceeding 20l.

LVII. 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* with the Privity and in the Name of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner 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 Truſtees for executing this Act, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the ſaid Court of Chancery.

Where not more than 20l.

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

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

LIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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 be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be

be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum and 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in the Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

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

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

LXI. 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 ſaid 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 Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials for repairing the Road.

LXII. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for widening, altering, improving, or repairing the said Road, or for other the Purposes of this Act, out of any Waste or common River or common Brook, not being within the Distance of One hundred Yards from any Bridge, Dam, Weir, or Jetty, in any Parish, Town, Village, or Hamlet, within which the said Road or any Part or Parts thereof lies, or is or are intended to be made and pass; and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any waste or common Land, common River, or common Brook, not being within the like Distance from any Bridge, Dam, Weir, and Jetty, in any adjoining Parish, Town, or Hamlet, without making any Recompence for the same, the said Surveyor or Surveyors filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be brought or carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Wastes, common Lands, common Rivers, or common 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 dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or inclosed Grounds planted, set apart, or used as a Plantation or Nursery for Trees in any Parish, Town, or Hamlet, in which any Part of the said Road lies or is situate) where such Materials are or may be found in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for improving and repairing the said Road; paying such Recompence for the same, and for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers or any of them and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for such County, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County as is hereinafter directed.

Notice to be given before Materials taken.

LXIII. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, 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 or Grounds without the Consent in Writing of the Owners or Occupiers thereof, first had and obtained for that Purpose, and until Fourteen Days previous Notice in Writing signed by the Surveyor of the said Road shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear before Two or more Justices of the

the Peace acting in and for the County, Town, or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials in such Manner and at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justices may, upon Proof on Oath of the Service of such Notice, and which Oath any one of such Justices is 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 Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

LXIV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale; all and every such Person and Persons so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

LXV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road or by the Sides thereof, by Timber, Stones, Carriages, Saw-pits or other Pits, Tunnels, Culverts, Arches, Ashes, Dung, Filth, Rubbish or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road or any Part or Parts thereof; and all and every Persons and Person occasioning any such Nuisances and Annoyances on any Part or Parts of the said Road, or by Neglect or otherwise causing any Watercourse, Gutter, Conduit, or Drains to run into the same, shall be subject and liable to repay all the Charges and Expences of removing such Nuisances and Annoyances, in case he or they shall refuse or neglect after Fourteen Days Notice from the Surveyor, to remove the same in such Manner as the Surveyor shall direct; such Charges and Expences to be levied together with such Penalty or Forfeiture, if any, as is by this Act imposed on such Offence, by Warrant of any Justice of the Peace acting in and for the County where the said Offence shall be committed, or where the Person or Persons so offending shall reside, in the same Manner as is authorized for Forfeitures incurred by virtue of this Act.

Surveyors may make Causeways, &c. and cut Drains.

LXVI. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footpaths or Causeways in or along the Sides of the said Road, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Road, not being

being a Yard, Garden, Orchard, planted Walk, or Avenue to any Houſe, and to erect and keep in Repair the Bridges and Arches thereupon, and alſo to make Ditches or Trenches in ſuch Places and in ſuch Manner as ſuch Surveyor or Surveyors by Order of the ſaid Truſtees ſhall judge neceſſary, and make ſufficient Fences, Barriers, and other Erections on any Part or Parts of the ſaid Road, in order to prevent any Rivulet or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors ſhall judge neceſſary.

Road may be meaſured and Mile-ſtones erected.

LXVII. 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 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 to 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 ſame or the Fences on either Side thereof; or if any Perſon ſhall turn or ſuffer any Horſe, 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, Cricker, Hawker, Pedlar, 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 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 Forty Yards from the Centre of any Part of the ſaid Road, or play at Foot-ball or any other Game or Games to the Annoyance of any Paſſenger or Paſſengers on any Part of the ſaid Road; or if any Perſon ſhall, 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

Penalty on injuring Poſts.

Damaging Road.

Fireworks.

Leaving Carriages on Road.

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 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 Scraping thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying on his own Ground, and be carried away without being brought over any Part of the said Road, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, or shall carry Rods or Bars of Iron across the Back of any Horse, Mule, or Ass passing along the said Road, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed; and it shall be lawful for the Surveyor of the said Road, or any Person employed to work thereon, to take, lead, and drive away, and impound any Horse, Ass, or other Beast found grazing and depasturing on the Side or Sides of the said Road, and unless such Penalty shall be paid within Five Days after such impounding, such Horse, Mule, Ass, or other Beast may be sold to satisfy such Penalty, and the Overplus of the Money (if any) to arise by any such Sale, shall, after Payment of all the Costs and Charges of taking and keeping such Horse or other Beast, and making such Sale, be paid on Demand to the Owner or Owners of the Horse or other Beast so impounded and sold as aforesaid.

Laying Timber, &c. on Road.

Scraping Road without Consent of Trustees.

LXVIII. 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 Thirty Feet at least from the Centre of such Parts of the said Road; 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 Fourteen 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 in the Manner hereby directed whenever the same shall be practicable; but in every case in such a Manner as 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 credible Witness, 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 and Justices before whom such Conviction shall be made as aforesaid.

Gates to open inwards.

Truſtees may contract for Repairs or any other Work.

LXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract and agree with any Perſon or Perſons for 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 or any Five or more of them ſhall think proper; but no Contract for repairing any Part of the ſaid Road ſhall be made for a longer Term than One Year.

Perſons liable to repair the Road to continue ſo.

LXX. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which has been given or are liable to the maintaining or amending of any Part or Parts of the ſaid Road, or any Bridge or Bridges or other neceſſary Things thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner and to the ſame Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the paſſing of this Act.

Statute Duty.

LXXI. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Worceſter* and *Warwick*, within their reſpective Juriſdictions, and they are hereby empowered and required, upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year 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 or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; 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 the ſerving of ſuch Summons, 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 Liſt 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 Repair of public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may appoint and order ſuch and ſo many Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at

ſuch

ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices 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, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof by any ſuch Surveyor or Surveyors, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the 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 Labourers, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid, and in that caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Hamlets, or Places reſpectively, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, 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 Forty Shillings.

Statute-work may be compounded for.

LXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Pariſhes, Hamlets, or Places in which the ſaid Road is ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition-money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Pariſh, Hamlet, or Place, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees

Truſtees in advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh, Hamlet, or Place, ſhall not be permitted to compound for that Year.

For ſecuring tranſient Offenders.

LXXIII. 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 they or he ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons as ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace of the County, Town, or Place where the Offence or Offences ſhall be committed, to be dealt with according to Law.

Penalties and Forfeitures how to be recovered and applied.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed), ſhall upon Proof of the Offence reſpectively before any One Juſtice of the Peace for the County, Town, or Place wherein the Offence ſhall be committed or wherein the Offender ſhall be and reſide, either by Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of the Diſtreſs and Sale are recovered and deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid One Half Part thereof to the Informer, and the other Half Part thereof to the Treaſurer or Clerk to the ſaid Truſtees, and applied to the Purpoſes of this Act; and in caſe ſuch ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correction for ſuch County, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Offenders againſt the Act.

LXXV. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words (as the Caſe ſhall happen), or in any other Form of Words to the ſame Effect:

Form of Conviction.

‘ ‘ to wit. } BE it remembered, That on the Day of in the Year of our Lord ‘ is

is convicted before me, One 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 of the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of this Act, and specify the Offence, and when and where committed*]. Given under my Hand and Seal the Day and Year above written.'

Persons aggrieved may appeal to the Quarter Sessions.

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

Proceedings not to be quashed for Want of Form.

LXXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; nor shall the Party or Parties

diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action on the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on behalf of the Party diſtraining before ſuch Action brought.

Limitation of Actions.

LXXVIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Fourteen Days Notice thereof ſhall be given to the Clerk of the ſaid Truſtees, nor after a ſufficient 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 or Suit ſhall be laid or brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead ſpecially or the General Iſſue Not Guilty, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Fourteen Days Notice thereof was given as aforeſaid, or after ſufficient Satisfaction ſhall be made or tendered as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the 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 the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Public Act.

LXXIX. 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.

LXXX. And be it further enacted, That this Act ſhall commence on the Twenty-fourth Day of *June* 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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