ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 59.

An Act for continuing and amending Two Acts of His preſent Majeſty, for repairing the Road from the Guide Poſt at the Weſt End of the Town of *Hampton*, over *Sunbury Common*, to the Town of *Staines*, in the County of *Middleſex*.

[18th *May* 1814.]

WHEREAS an Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled *An Act for amending, widening, and keeping in Repair, the Road from the Guide Poſt at the Weſt End of the Town of* Hampton *over* Sunbury Common, *to the Town of* Staines, *in the County of* Middleſex: And whereas another Act was paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled *An Act for continuing and amending an Act paſſed in the Thirteenth Year of His preſent Majeſty King* George *the Third, intituled* 'An Act for amending, widening, and keeping in Repair, the Road from the Guide Poſt at the Weſt End of the Town of Hampton, over Sunbury Common, to the Town of Staines, in the County of Middleſex:' And whereas the Truſtees appointed in and by virtue of the ſaid recited Acts, have made great Progreſs in the Execution thereof, and have borrowed ſeveral large Sums of Money upon the Credit of the Tolls and Duties thereby granted, the greater Part of which ſtill remain due, and cannot be repaid, nor the ſaid Road be effectually made and kept in Repair unleſs the Term of the ſaid Acts be further continued, and ſome of the Powers thereof enlarged: 13 G. 3. 33 G. 3.

Recited Act continued.

May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and the ſeveral Powers, Proviſions, Matters and Things therein contained (except ſuch as are hereby altered, varied, or repealed) ſhall be and remain in full Force and Effect, for and during the Term herein-after mentioned, in like Manner, and as fully and effectually in all Reſpects, as if the ſame were here repeated and re-enacted in the Body of this preſent Act, which ſaid additional Term and the Tolls or Duties, Powers or Clauſes contained, are hereby declared to be ſubject and liable to the Payment of all Sums of Money already borrowed and now due and owing and hereafter to be borrowed and to grow due upon the Credit of the ſaid recited Acts or this Act, and the Intereſt due or to grow due thereon.

Additional Truſtees.

II. And be it further enacted, That the Reverend ——— *Pinckney* Doctor in Divinity, *George Hartwell* Eſquire, *Robert Pope* Doctor of Phyſic, *Robert Burnet* Eſquire, *John Thiſtlewood* Eſquire, the Honourable *Percy Wyndham*, Sir *Charles Edmonſtone* Baronet, *John Woolmore* Eſquire, Admiral *Edward Bowater*, Sir *John Whilford* Baronet, *Wilſon Braddyle* Eſquire, the Honourable and Reverend *Gerard Valerian Welleſley* Doctor in Divinity, *Joſiah Boydel* Eſquire, *James Carmichael Smith* Doctor of Phyſic, *John Irving* Eſquire, *Richard Taylor* Eſquire, *Samuel Gunnell* Eſquire, *James Campbell* Eſquire, *Charles Biſhop* Eſquire, and *Thomas Denton* Land Surveyor, ſhall be, and are hereby added to and joined with the Truſtees appointed in and by virtue of the ſaid recited Acts; and the ſaid Truſtees herein-before named ſhall have the ſame Powers and Authority to act in the Execution of the ſaid recited Acts and this Act in all Reſpects whatſoever, as if they had been named and appointed Truſtees in the ſaid recited Acts.

Allowing Truſtees to elect an additional Number.

III. And be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered at any Time or Times to elect any Number of additional Truſtees, not exceeding Ten in the Whole, who ſhall have the ſame Power and Authority for executing the ſaid recited Acts and this Act as if they had been hereby nominated and appointed.

Quorum of the Truſtees leſſened in certain Caſes.

IV. And be it further enacted, That all Acts, Matters, and Things, by the recited Acts or either of them authorized or directed to be done or performed by Seven or more Truſtees, ſhall and may for the future be done or performed by Five or more of the ſaid Truſtees, and ſhall be as valid and effectual in the Law, to all Intents and Purpoſes, as if done or performed by any Seven or more of the ſaid Truſtees.

Exemptions from Tolls.

V. And be it further enacted, That no Toll ſhall be demanded or taken upon the ſaid Turnpike Road for any of the Coaches or Carriages, or Horſes of Their Majeſties, or any other of the Royal Family, or for any of the Horſes of His Majeſty's Guards, or any of the Servants attending Their Majeſties, or any other of the Royal Family; or for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having

having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for making or repairing the ſaid Road, or any of the Roads, in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out-houſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure (Lime only excepted), employed in Huſbandry, for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering Place, or going to be, or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper parochial Church, Chapel, or other Place of religious Worſhip, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit, or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes; or for any Horſes or other Cattle, or Carriages employed in the conveying of any Perſon or Perſons going to or returning from an Election of a Knight or Knights of the Shire, to ſerve in Parliament for the ſaid County of *Middleſex*, on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed, in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March, or on Duty; or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers; or in carrying or in conveying any ſick, wounded, or diſabled Officers or Soldiers; 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 Commiſſariat, or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or returning from having been ſo employed; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review; provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption.

Carriages employed in His Majeſty's

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

Service not to be subject to Toll for Overweight.

vided 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 while so employed, or the Horse or Horses drawing the same, 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 or the said recited Acts contained to the contrary notwithstanding.

Number of Tolls limited.

VII. Provided always, and be it further enacted, That no more than one full Toll shall be demanded or taken from any Person or Persons passing or repassing the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of the said recited Acts or this Act, in the whole Length of the said Road from *Hampton* to *Staines*.

Application of Money awarded amounting to 200*l.*

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the Powers of this or the said recited Acts for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees to the Intent that the said 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 Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements and Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said

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High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this or the said recited Acts, in case such Purchase or Settlement was made.

Application where the Compensation is less than 200l. and exceeds 20l.

IX. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the 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 said Trustees for executing this and the said recited Acts, (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 or Approbation of the said High Court of Chancery.

Application where the Money is less than 20l.

X. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than 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 or the said recited Acts, 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, &c.

XI. 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 or the ſaid recited Acts, 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 any Five or more of them; or in caſe the 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 High Court of Chancery, to 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 High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

XII. 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 High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this or the ſaid recited Acts; or to any Bank Annuities to be purchaſed with any ſuch Money, or 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 High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable

XIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation,

poration, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this or the ſaid recited Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the High 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 High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or 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 or the ſaid recited Acts, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct. Expences to be paid by the Truſtees.

XIV. 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 County of *Middleſex*, and they are hereby empowered and required, (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine, what Part or Proportion of the Statute Work ſhall be done every Year upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees, or their 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 and Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the 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 Roads, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors ſhall, from Time to Time, order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees, or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall For regulating Statute Labour.

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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 or the ſaid recited Acts authorized 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 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 turn off 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 Penalties as 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Expences of this Act how to be paid.

XV. And be it further enacted, That the Charges and Expences in and about the procuring and paſſing this Act ſhall be defrayed and paid by the ſaid Truſtees out of the Money already raiſed and received, or to be raiſed and received by virtue of the ſaid former Acts, or this preſent Act.

Term of this Act.

XVI. And be it further enacted, That this Act ſhall commence and take Effect upon the Firſt Day of *October* One thouſand eight hundred and fourteen, and that the ſaid recited Acts (ſubject to the Alterations, Additions and Amendments herein contained) and this Act ſhall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the next Seſſion of Parliament.

Public Act.

XVII. 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.

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