ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. iv.

An Act to continue the Term and enlarge the Powers of Two Acts passed in the Eighteenth and Thirty-eighth Years of His present Majesty's Reign, for repairing several Roads leading from the Town of *Maiden Newton*, in the County of *Dorset*, and other Roads communicating therewith, in the Counties of *Somerset* and *Dorset*.

[23d *March* 1819.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for amending, widening, turning, altering, and keeping in Repair, the Roads from* Whistle Bridge *in the Parish of* Barwick, *in the County of* Somerset, *to the Turnpike Road in the Parish of* Charminster, *in the County of* Dorset; *and from the Cross in the Town of* Maiden Newton, *to a Stream of Water in the Parish of* South Perrott *in the County of* Dorset; *and from a Place called* Furze Moor Gate, *in the Parish of* Broadwinsor, *to* Lenham's Water *in the Parish of* Beaminster; *and from* Bugler's Corner, *in the Town of* Beaminster, *to the* Dorsetshire Inn, *in the Parish of* Woolcombe; *and from* Upsydling Ewe Leaze, *to the Town of* Cerne Abbas; *and from the Town of* Frampton, *to join the Western Turnpike Road near* Steepleton, *in the said County of* Dorset: And whereas another Act was passed in the 18 G. 3. c. 95.

Thirty-eighth Year of the Reign of His ſaid preſent Majeſty, intituled
38 G. 3. c. 22. *An Act to continue for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, the Term and alter the Powers of an Act paſſed in the Eighteenth Year of the Reign of His preſent Majeſty, for repairing the Roads from* Whiſtle Bridge, *in the Pariſh of* Barwick *in the County of* Somerſet, *to the Turnpike Road in the Pariſh of* Charminſter *in the County of* Dorſet; *from the Croſs in the Town of* Maiden Newton, *to a Stream of Water in the Pariſh of* South Perrott *in the County of* Dorſet; *from* Furze Moor Gate *in the Pariſh of* Broadwinſor, *to* Lenham's Water *in the Pariſh of* Beaminſter; *from* Bugler's Corner *in the Town of* Beaminſter, *to the* Dorſetſhire Inn *in the Pariſh of* Woolcombe; *and from the Town of* Frampton, *to join the Weſtern Turnpike Road near* Steepleton, *in the ſaid County of* Dorſet: And whereas, in purſuance of the ſaid recited Acts, or One of them, divers Sums of Money have been borrowed and are now due on the Credit and Security of the Tolls thereby granted; which Sums cannot be repaid, nor can the ſaid Roads be kept and maintained in good and ſufficient Repair, unleſs the ſaid Acts be continued for a further Term, and the Tolls thereby granted increaſed, and the Powers and Proviſions therein contained altered and enlarged: 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

Recited Acts further continued.

by the Authority of the ſame, That the ſaid ſeveral recited Acts, paſſed in the Eighteenth and Thirty-eighth Years of the Reign of His ſaid preſent Majeſty, and all and every the Clauſes, Powers, Authorities, Truſts, Proviſions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatſoever, in the ſaid Acts or either of them contained, and now in force (except ſuch Parts thereof as are altered, varied, or repealed), ſhall be, continue, and remain in full Force and Effect, and the ſame are and is hereby further continued, and together with this preſent Act ſhall be executed, for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions herein contained; and that this Act, and the additional Term and the Tolls hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the ſaid recited Acts, or either of them, and to the Payment of all ſuch other Sum or Sums of Money as ſhall be borrowed or become due and owing on the Credit thereof, and of this Act, together with the Intereſt due or to grow due upon the ſame reſpectively.

Truſtees appointed.

II. And be it further enacted, That the Honourable *Stephen Digby Fox Strangways*, the Honourable and Reverend *Charles Redlynch Fox Strangways*, Sir *William Oglander* Baronet, Sir *John Wyldbore Smith* Baronet, the Honourable *William Thomas Horner Strangways*, the Honourable *Giles Digby Robert Strangways*, the Honourable *John Strangways*, *Stephen Atkinſon*, *Francis John Browne*, *William Draper Beſt*, *John Bragge*, *John Herbert Browne*, *Thomas Bridge*, Reverend *Nathaniel Bartlett*, *Edward Bartlett*, *James Balſton*, *Joſeph Bennett* junior, *John Bellamy*, Reverend *William Butler*, *Thomas Banger*, *James Buck*, *William Bragge*, *John Bragge* junior, *William Bower*, *Edward Boſwell*, Reverend *Robert Broadley*,

Broadley, Reverend *William Brookland*, Reverend *Thomas Bellamy*, *Richard Bridge*, *Thomas Beſt*, *Joſeph Biſhop*, *Thomas Biſhop*, *Joſeph Biſhop* junior, *John Bridge*, *John Barrett*, *Thomas Cook*, *Samuel Cox*, *James Coombes*, *Thomas Cave*, Reverend *John Cox*, *Thomas Cowdry*, *Henry Coombe Compton*, *Thomas Andrews Chapman*, *John Cave*, Reverend *John Clayton*, *William Clift*, *William Hody Cox*, *James Caines*, *Charles Coombes*, *Robert Conway*, *Richard Corpe*, *Samuel Cox* the younger, Reverend *William Churchill*, Reverend *Richard Symes Cox*, *Daniel Cox*, *Thomas Cox* of *Magiſton*, *John Chamen*, Reverend *Blakely Cooper*, *John Clare*, *Thomas Clark*, *William James Coles*, *William Curtis*, *Richard Caines*, *John Diſney*, *Henry Davis*, Reverend *Thomas Dyer*, *John Daniell*, *Robert Daveniſh*, *John Daniel* Surgeon, *Chriſtopher Daw*, *William Daw*, *John Davy*, *John Davy* junior, *Emanuel Peſter Davy*, *Joſeph Sheppard Draper*, *William Daw* M. D., *William Deveniſh*, *James Deveniſh*, *William Dunning*, *James Dunning*, *George Eveleigh*, *William Foot*, Reverend *George Frome*, Reverend *William Floyer*, Reverend *Thomas Fox*, *Baruch Fox*, Reverend *George Feaver*, *Thomas Fox*, Reverend *Edward Cook Forward*, Reverend *Thomas Fox* junior, Reverend *Thomas Feſting*, *James Frampton*, *James John Farquharſon*, Reverend *Charles Fox*, Reverend *Henry Fox*, *Robert Fowler*, *Robert Fowler* junior, *Robert Goodden*, *John Glyde*, *Joſeph Goodenough*, *John Graves*, Reverend *George Gould*, *William Hellyar*, *Hugh Chudleigh Haines*, *Edmund Henning*, Reverend *William Hoſkins*, *John Arundell Hann*, *William Henning* of *Frome*, *William Henning* junior, *James Henning*, *Thomas Hoſkins*, *John Hoſkins*, *John Hallett*, *Thomas Hopkins*, *John Hodges*, *George Hine*, *James Hine*, *Thomas Hodges*, *Richard Hine*, *Joſeph Hardy*, Reverend *William Jenkins*, *William Jennings*, *John Jennings*, *Joſeph Crew Jennings*, *Reuben Joyce*, Reverend *Morgan Jones*, *Thomas Jeſty*, *Robert Jeſty*, *John Keddle*, *John Keddle* junior, Reverend *Gilbert Henry Langdon*, *Markes Lamb*, *George Lilly*, *Charles Luxmoore*, Reverend *Giles Meech*, *Edward Murley*, *Charles Murley*, *William Mintern*, General *John Michel*, Reverend *John Munden* LL. D., Reverend *John Munden*, Reverend *William Munden*, *Thomas Meggs*, *John Martin*, *Edward Medway*, *Thomas Nicholls*, *Richard Nicholls*, *John Noake*, *James Noake*, *Edwin Nicholetts*, *John Oglander*, *Richard Oglander*, *Henry Oglander*, *William Morton Pitt*, *John Philips*, *William Philips*, Reverend *William Pace*, *John Pitfield*, *Thomas Pitfield*, *John Pinney*, *Robert Pattiſon*, *John Petty* of *Frome*, *John Petty* junior, *Ezekiel Pope*, *George Purling*, *John Petty* of *Everſhot*, Reverend *Awbrey Price*, *William Pope*, *Robert Pearſon*, *Joſeph Phelps*, *Henry Petty*, *John Pope*, Reverend *Thomas Horner Pearſon*, *William Palmer*, *James Petty*, Reverend *Charles Philips*, *Thomas Pearſe*, *Robert Porter*, *John Perkins*, *William Pinney*, *Robert Plowman*, *John Frederic Pinney*, *John Banger Ruſſell*, *Giles Ruſſell*, Reverend *John Cox Ruſſell*, *Thomas Ruſſell*, *Thomas Gould Read*, *Samuel Rawlins*, *William Rogers*, *Charles Reed*, *Charles Strangways*, R. N., *Thomas Strangways*, Reverend *Henry Strangways*, *Henry Sherren*, *John James Smith*, *William Marriott Smith*, *Benjamin Swaffield*, *Richard Churchill Sabine*, *Thomas Sabine*, *John Stone*, *Iſaac Sparkes*, *Giles Simmonds*, *John Simmonds*, *Thomas Shepherd*, *John Studely*, Reverend *Townſhend Selwyn*, *John Stagg*, *Robert Strong*, *Thomas Smith*, *Henry Sherren*, *Francis Symes*, *Nicholas Trowbridge*, *James Templer*, *John Trenchard*, *Thomas Taunton*, *William Trenchard*, *William Toogood*, Reverend *Thomas Daniel Trollope*, *Thomas Vincent*, *John Whittle*, *William Whittle*, *Robert Willis*, *Robert Williams*, *Samuel Wilmot*, *Edward Wilmot*, Reverend *John Wills*, Reverend *John Williams*, *Samuel Wills*,

Wills, *Joſeph Wills*, Reverend *William Wills*, Sir *William Walter Yea*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for ſurveying, ordering, amending, widening, and keeping in Repair the ſaid Roads, and for putting in Execution all other the Powers in and by this and the ſaid recited Acts granted.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at their Firſt Meeting to be holden in purſuance of the ſaid recited Acts or this Act, to elect any additional Number of fit and proper Perſons, not exceeding Ten in the whole, to be Truſtees for the Purpoſes of the ſaid recited Acts and this Act; and the Truſtees ſo elected ſhall be and are hereby veſted with the ſame Powers and Authorities for executing the ſaid Acts and this Act, as if they had been named and appointed Truſtees in or by virtue of this Act.

Power to elect new Truſtees.

IV. And be it further enacted, That in caſe any of the ſaid Truſtees ſhall die, or refuſe or become incapable to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, as often as they ſhall think proper, by Writing or Writings under their Hands, at the Firſt Meeting to be held in purſuance of this or the ſaid recited Acts, next after the Twenty-fifth Day of *March* in each ſuch Year, to elect, nominate, and appoint One fit Perſon in the Room of ſuch Truſtee ſo dying, or refuſing, or becoming incapable to act; but Notice of the Time and Place of the Meeting for the Election of ſuch new Truſtee or Truſtees, ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing at all the Turnpike Gates then erected upon the ſaid Road, or by an Advertiſement in One of the *Sherborn* Journals, or in any other Newſpaper printed or uſually circulated in the County of *Dorſet*, at leaſt Ten Days before the Meeting for ſuch Election; and all and every ſuch Perſon or Perſons as ſhall be ſo choſen and appointed, ſhall and may, and he and they is and are hereby authorized and empowered to act in the Execution of this and the ſaid recited Acts, to all Intents and Purpoſes, in as full, large, and ample a Manner as the Truſtees hereby appointed are authorized and empowered to act.

Qualification of Truſtees.

Penalty on Truſtees acting not being qualified.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this or the ſaid recited Acts, unleſs he ſhall be ſeized in his own Right, or in Right of his Wife, and be in the actual Poſſeſſion and Enjoyment, or the Receipt of the Rents and Profits of Lands, Tenements, Tithes, or Hereditaments, being Freehold, Leaſehold, or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or poſſeſſed of or entitled unto an Eſtate, Real or Perſonal, or Mixed, of the Value of Four thouſand Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands of the clear yearly Value of One hundred and fifty Pounds; and if any Perſon not having ſuch Qualification as aforeſaid ſhall preſume to act, contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform and 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, Bill, Plaint, or Information, where no Eſſoign, Protection, Wager of Law, or more than One

Imparlance,

Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor or Plaintiff, than that ſuch Perſon hath acted as a Truſtee in the Execution of this and the recited Acts, or either of them.

General Meetings.

VI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall meet at ſome convenient Public Houſe or Inn in the Town of *Maiden Newton* aforeſaid, on the Firſt *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and proceed to the Execution of the ſaid recited Acts and this Act, notwithſtanding any Adjournment may then have been made by the Truſtees by virtue of the ſaid recited Acts; and that the ſaid Truſtees or any Five or more of them ſhall hold their future Meetings once in every Quarter of a Year alternately at *Maiden Newton*, *Everſhot*, and *Beaminſter* aforeſaid, and ſhall and may adjourn themſelves from Time to Time as they ſhall think proper, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed on all the Toll Gates then ſtanding in, upon, or acroſs the ſaid Roads, and to be inſerted in one or more of the Newſpapers publiſhed and uſually circulated within the ſaid Counties of *Dorſet* or *Somerſet*, appoint the Truſtees to meet at ſome one of the Places aforeſaid, on ſome convenient Day, at leaſt Ten Days after the Publication of ſuch Notice in Manner aforeſaid.

General Meetings on Emergencies.

VII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by any 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 Ten 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 to be held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Agreements, and Determinations 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 in the Manner herein-before directed, nor unleſs a greater Number of the Truſtees ſhall concur

concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination, and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Truſtees to pay their own Expences.

Five Truſtees to be a Quorum.

VIII. And be it further enacted, That all Acts, Proceedings, Matters, and Things, in or relative to the Execution of this or the ſaid recited Acts, may be done and executed by any Five or more of the Truſtees appointed or to be appointed by or under this Act, except only in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them, any Thing in any Law or Statute to the contrary notwithſtanding.

Truſtees not to act except at a Meeting.

IX. Provided alſo, That no Act, Order, or Proceeding of the ſaid Truſtees, or any of them, in the Execution of this or the ſaid recited Acts (except the Power of adjourning the Meetings, or calling an extraordinary Meeting as before mentioned), ſhall be valid, unleſs made or done at a Meeting to be held in purſuance of this or the ſaid recited Acts; and unleſs Five at leaſt of ſuch Truſtees are preſent, and a Majority of them concur therein.

No Order to be repealed but by a Majority of Truſtees.

X. And be it further enacted, That no Order made by the ſaid Truſtees, or any Five or more of them, in, for, about, or concerning the Execution of the Truſts, Powers, and Authorities of this or the ſaid recited Acts, or either of them, ſhall be revoked, repealed, or ſet aſide by any ſubſequent Order of the Truſtees, unleſs a greater Number of the ſaid Truſtees than the Number by whom ſuch Order ſhall have been made ſhall be then preſent, ſuch Number to conſiſt of Nine at leaſt, and unleſs the major Part of the Truſtees then preſent ſhall concur therein.

Truſtees not to hold Places of Profit.

XI. And be it further enacted, That if any Perſon or Perſons appointed a Truſtee or Truſtees in or by virtue of this or the ſaid recited Acts ſhall have or accept of any Place of Profit ariſing out of the Tolls and Monies thereby made payable, ſuch Perſon or Perſons from and after his or their accepting ſuch Place or Places of Profit, and during the Time of his or their holding and enjoying the ſame, ſhall be incapable of acting as a Truſtee or Truſtees under or by virtue of this or the ſaid recited Acts, or in the Execution of the Authorities and Powers thereby given.

Truſtees may act as Juſtices.

XII. Provided always, That ſuch of the ſaid Truſtees that are or ſhall be in the Commiſſion of the Peace for the Counties of *Somerſet* or *Dorſet* aforeſaid, or who ſhall be Creditors for any Money borrowed or to be borrowed by virtue of this or the ſaid recited Acts, may nevertheleſs act as Juſtices of the Peace in the Execution of this or the ſaid recited Acts, notwithſtanding their being Truſtees or Creditors, except in Caſes where they ſhall be immediately intereſted.

XIII. And

Acts of unqualified Truſtees before Conviction valid.

XIII. And be it further enacted, That all Acts and Proceedings of any Perſon or Perſons, who hath or have acted as Truſtee or Truſtees in the Execution of the ſaid recited Acts or who ſhall act as Truſtee or Truſtees in the Execution of the ſaid recited Acts and of this Act, without being duly qualified, ſhall (if done previouſly to his or their being convicted of ſuch Offence) be as valid and effectual as if ſuch Perſon or Perſons had been duly qualified.

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

XIV. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted, or defended, by or againſt the ſaid Truſtees for the executing of the ſaid recited Acts and this Act, ſhall be had, taken, proſecuted, or defended in the Name of their Clerk for the Time being; and that no Action, Suit, Proſecution, Information, Appeal, or other Proceedings, ſo to be had, taken, proſecuted, or defended, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk; but that the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, as the Caſe may be: Provided always, that every ſuch Clerk in whoſe Name any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings ſhall be ſo had, taken, proſecuted, continued, or defended, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act or the ſaid recited Acts, all ſuch Coſts, Charges, Damages, and Expences, as by the event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for or be fairly entitled to by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

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

XV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been, or who by virtue of the ſaid recited Acts or either of them, or of this Act, may be appointed to act as their Clerk, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act and the ſaid recited Acts, or to continue or appoint the Perſon who has been or may be appointed their Treaſurer by virtue of the ſaid recited Acts or either of them, or of this Act, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid recited Acts or this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid recited Acts or 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.

Former Tolls repealed.

XVI. And be it further enacted, That from and immediately after the paſſing of this Act all the Tolls granted by the ſaid recited Acts or either of them ſhall ceaſe, determine, and be no longer paid or payable; and that inſtead

inſtead or in lieu thereof there ſhall be demanded and paid, at each of the Toll Gates or Turnpikes already erected on the ſaid Roads, or to be continued or erected by virtue of this Act or the ſaid recited Acts, or either of them, the ſeveral Tolls and Sums of Money herein-after mentioned, before any Cattle or Carriage ſhall be permitted to paſs through the ſame; that is to ſay;

New Tolls granted.

For every Horſe or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Chaiſe Marine, Calaſh, Vis-a-vis, Curricle, Chair, Hearſe, or Litter, or other ſuch light Carriage, the Sum of Four-pence Halfpenny:

For every Horſe, Yoke of Oxen, or other Beaſt, drawing any Caravan, Waggon, Wain, Car, Cart, Dray, or other ſuch heavy Carriage, having Wheels of leſs Breadth than Six Inches, the Sum of Sixpence; if of the Breadth of Six Inches and leſs than Nine Inches, the Sum of Four-pence; and if of the Breadth of Nine Inches and upwards, the Sum of Three-pence:

For every Horſe, or other Beaſt of Burden, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Mule or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in proportion for a greater or leſs Number:

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

Tolls veſted in the Truſtees.

Which ſaid Tolls and Duties by this Act granted and made payable ſhall be and are hereby veſted in the ſaid Truſtees for the Time being, for carrying this Act and the ſaid recited Acts into Execution, and (ſubject to the Reſtrictions herein-after contained) ſhall be received and taken at each and every of the Toll Gates or Toll Bars or Chains already erected on the ſaid Roads, or to be continued or erected upon the ſaid Roads by virtue of this or the ſaid recited Acts; and ſhall be paid, levied, leaſed, mortgaged, reduced, altered, applied, diſpoſed of, and aſſigned in ſuch Manner, and with, under, and ſubject to ſuch Limitations and Reſtrictions, as the Tolls and Duties granted by the ſaid recited Acts or either of them are thereby authorized and directed to be received, paid, levied, leaſed, mortgaged, reduced, altered, applied, diſpoſed, and aſſigned.

Tolls to be paid but once a Day, and directing in what Parts of the Road full Toll to be taken.

XVII. Provided always, and be it further enacted and declared by the Authority aforeſaid, That no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the ſucceeding Night), at all or any of the Gates or Turnpikes erected or to be erected or continued upon or on or near the Sides of the reſpective Parts of the ſaid Roads herein-after mentioned; that is to ſay, no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), on ſuch Part of the ſaid Road as lies between *Whiſtle Bridge* and a Place called *Horcheſter Farm Houſe*; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), between *Horcheſter Farm Houſe* aforeſaid and *Maiden Newton*; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), between *Maiden Newton* and *Charminſter*, and between *Frampton*

Frampton and the ſaid Junction with the Great Weſtern Turnpike Road; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid) between the Eaſt End of the Town or Village of *Maiden Newton* aforeſaid and *Beaminſter*, and between *Maiden Newton* and a Place called *Hoare Stone* on *Catſley Down* aforeſaid; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), between *Hoare Stone* aforeſaid, and the ſaid Stream of Water in *South Perrott*; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), between *Beaminſter* and *Furze Moor Gate*, or *Birds Moor Gate*; and that no more than One full Toll ſhall be collected or taken on the ſame Day (to be computed as aforeſaid), between *Beaminſter* and *Horcheſter Farm Houſe* aforeſaid; and that all and every Perſon and Perſons who ſhall have paid any of the ſaid Tolls at any Gate or Turnpike upon any Part or Parts of the ſaid Road ſo divided as aforeſaid, ſhall, upon producing a Note or Ticket of the Day, denoting ſuch Payment, be permitted to paſs Toll-free through the ſame Gate or Turnpike, and alſo through all other Gates or Turnpikes which are or ſhall be erected or continued upon or on or near the Sides of ſuch Part or Parts of the reſpective Roads or Diſtricts ſo divided as aforeſaid, for which ſuch Toll ſhall have been paid, at any Time or Times, and as often as he, ſhe, or they ſhall think fit, during the ſame Day (to be computed as aforeſaid), with or driving the ſame Horſe or Horſes, Cattle, Beaſt, and Carriages; all which Notes or Tickets the reſpective Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Tolls; and on which Note or Ticket ſhall be printed or ſpecified the Name or Names of the Gate or Gates freed by ſuch Payment.

Tickets to be taken;

and to ſpecify the Names of Gates cleared thereby.

XVIII. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall after Demand thereof made, either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize or diſtrain any Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, or other Thing, upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins, Saddles, Gears, or Accoutrements, or their Loading, or a ſufficient Part thereof (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt), or any of the Goods or Chattels of or belonging to or in Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing to pay as aforeſaid; and if ſuch Toll or any Part thereof, ſo neglected or refuſed to be paid, and reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall or may ſell the Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale, and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale, ſhall be deducted.

Tolls may be diſtrained for.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XIX. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter upon Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Toll due and other Matters in diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other as to ſuch Juſtice ſhall ſeem juſt and reaſonable; all which Coſts, in caſe the ſame be not forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo awarded and directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant every ſuch Juſtice is hereby empowered to iſſue); and the Overplus, after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained; and for Want of ſufficient Diſtreſs, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months, or until Payment of ſuch Coſts.

Collectors of Tolls, &c. competent Witneſſes.

XX. 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 by or under the Authority of the ſaid reſpective Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees; and in all civil and criminal Proceedings whatſoever relating to the ſaid Roads, or any or either of them, or any Part thereof, no Perſon being a Truſtee or Collector of the Tolls, Clerk, Treaſurer, Surveyor, or other Officer or Servant of, or other Perſon employed by the ſaid Truſtees, or any of their Officers, or an Inhabitant of any Townſhip, Pariſh, or Place through or into which the ſaid Roads or either or any of them, or any Part thereof, doth or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein, by reaſon of his or her being ſuch Truſtee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant or Perſon employed as aforeſaid, or Inhabitant as aforeſaid.

Truſtees may leaſe the Tolls.

XXI. And be it further enacted, That the ſaid Truſtees ſhall be and are hereby empowered, after giving Fourteen Days Notice thereof in One of the public Newſpapers uſually circulated within the ſaid Counties of *Somerſet* and *Dorſet*, and alſo in Writing to be affixed on the Toll Gate or reſpective Toll Gates, the Tolls whereof ſhall be intended to be leaſed, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts of ſuch Tolls, by Public Auction, for any Term not exceeding Three Years at a Time, for the beſt Price that can be gotten for the ſame; and to put up and offer the ſaid Tolls ſo to be let at ſuch annual Sum or Sums of Money, and under ſuch Conditions,

Covenants, Reſervations, and Agreements, as the ſaid Truſtees ſhall think fit, taking ſuch Security for the Payment of ſuch Rents and Performance of the Covenants to be compriſed in ſuch Leaſe or Leaſes as the ſaid Truſtees ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are by this Act directed to be applied; and if the ſaid Truſtees at any Meeting for letting the ſaid Tolls ſhall be of Opinion that a Combination exiſts amongſt the Bidders to undervalue the ſame, they may proceed in ſuch Letting in ſuch Manner as they ſhall think moſt likely to create a real *bonâ fide* and advantageous Competition for the ſame; and at all ſuch Lettings the Truſtees ſhall have or be entitled to one or more Biddings for the ſaid Tolls, either by themſelves or their Clerk or Treaſurer, or other Perſon by them authorized, any Law or Statute to the contrary notwithſtanding.

Tolls may be leſſened, &c.

XXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, at any Meeting to be holden for that Purpoſe, whereof at leaſt Fourteen Days Notice ſhall be given in Writing, to be affixed on all the Toll Gates continued or erected or to be erected on the ſaid Turnpike Road, and publiſhed in ſome public Newſpaper circulated in the Neighbourhood thereof from Time to Time, as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance, all or any of the Tolls hereby granted; and to order the ſame to be taken in ſuch Manner, Parts, and Proportions as they ſhall think fit, ſo that the Tolls ſo to be raiſed or advanced do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction be made with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to One Moiety or Half Part of the Money then due on the Credit of the ſaid Tolls; and the ſaid Tolls ſo reduced or advanced, and every of them, ſhall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Exempting the Royal Family from Toll.

XXIII. Provided always, and be it further enacted, That this Act ſhall not extend or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to His Majeſty or any of the Royal Family, or any Horſes or Carriages attending His Majeſty, or any of the Royal Family.

General Exemptions.

XXIV. And be it further enacted, That all Exemptions from Tolls compriſed in the ſaid recited Acts, or either of them, be repealed; and in lieu thereof, the ſeveral Exemptions from Tolls herein-before mentioned, and thoſe herein-after mentioned, ſhall be allowed; that is to ſay, That no Toll ſhall be demanded or taken for any Horſe, Cattle, or Carriages of whatſoever 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, fetching, or guarding ſuch Mails or Expreſſes or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers or Militia, or Local Militia Men, on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriages whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in conveying any Ordnance,

Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review, (provided that ſuch Perſons be dreſſed 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 Exemptions); nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip to which he ſhall have been duly appointed or licenſed, or on other his parochial or miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper parochial Church or Chapel, or other uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Perſon who ſhall die and be buried in any of the Townſhips, Villages, or Places in which the ſaid Road lies, nor for any Hearſe or Carriage conveying the Corpſe; nor for any Horſes, Beaſts, Cattle, or Carriage uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election or Elections of any Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Dorſet*, *Somerſet*, or *Devon*, or for a Burgeſs or Burgeſſes to ſerve in Parliament for the Borough of *Dorcheſter*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe of carrying or conveying, or returning from carrying or conveying, any Hay, Straw, or Corn in the Straw, Flax or Hemp in Sheaf or Bundle, Corn for Seed, Graſs, Turnips, Potatoes, or other Fodder only, not ſold or diſpoſed of or going to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Outhouſes or Yards, or on the Lands, of the Owners thereof; nor for any Horſe, Beaſt, Cattle, or Carriages employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow, or other Implement of Huſbandry, or for any Mould, Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Land; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or returning empty after having been employed in carrying and conveying, any Hurdles, Sheep Racks, Stone for guttering or draining, Timber for Repairs, Gates, Poſts, Wood, Furze, Turf, and other Fuel, Reed and Rails, to or from any Houſe, Barn, or Outhouſe, or Field, within ſuch and the ſame Pariſh wherein the Occupier or Occupiers reſide; nor for any Horſe, Beaſt, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Paſture, or going to be or returning from being ſhod or farried, not beyond the Diſtance of Two Miles; nor for any Sheep going to or returning from waſhing or ſhearing; nor for any Horſe, Beaſt, or Cattle, nor for any Waggon, Wain, Cart or other Carriage, uſed or employed for the Purpoſe only of carrying and conveying, or going empty to fetch, carry

or

or convey, or returning empty from carrying and conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Part or Parts thereof, or any other Highway or Public Road or for building or rebuilding, enlarging or repairing, any preſent or future Bridge or Bridges on the ſaid Road; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid recited Acts and this Act; and in all caſes the Proof of Exemption ſhall be upon the Perſon or Perſons claiming the ſame.

Penalty on taking Benefit of Exemptions fraudulently.

XXV. And be it further enacted, That if any Perſon or Perſons whoſoever, owning, renting, or occupying any Lands or Grounds near to the ſaid Roads, or any Part thereof, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons, not being his, her, or their Servant or Servants, or Part of his, her, or their Family, to paſs through any Ground, Gate, Paſſage, or Private Way, with any Horſe, Beaſt, Cattle, or Carriage, on or in reſpect of which a Toll is by this Act impoſed, in order to evade the Payment of the ſaid Toll; or if any Perſon or Perſons, except as aforeſaid, owning, going in, or driving any ſuch Carriages, or owning, riding, or driving any ſuch Horſe, Beaſt, or Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or Private Way, in order to evade the Payment of the ſaid Toll, or any Part thereof; or if any Perſon or Perſons ſhall take off or cauſe to be taken off any Horſe or Beaſt of Draught from any Carriage, either before or after the ſame ſhall have paſſed through any of the Toll Gates to be continued or erected by virtue of this Act, or having paſſed through any of the ſaid Toll Gates ſhall afterwards add or put any Horſe or Beaſt to any Carriage, for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, in order to avoid or evade the Payment of any of the Tolls hereby impoſed; or ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons, except the Perſon or Perſons appointed to receive the Tolls hereby made payable, any Note or Ticket, in order to avoid or evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons, liable to the Payment of any of the ſaid Tolls, ſhall forcibly paſs or attempt to paſs any of the ſaid Toll Gates or Turnpikes, without Payment thereof at ſuch Gate or Gates, each and every Perſon and Perſons offending in any Manner as aforeſaid, and being thereof convicted, ſhall reſpectively for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend to ſubject to any Penalty any Perſon for paſſing through any Lands or Grounds of which he or ſhe ſhall be the Owner or Occupier, notwithſtanding the Tolls may be thereby evaded, nor any of the Family or Servants of any ſuch Owners or Occupiers.

Penalty on evading the Tolls,

except Perſons paſſing through their own Lands.

XXVI. And be it further enacted, That ſo much of the ſaid recited Act of the Eighteenth Year of the Reign of His preſent Majeſty, as directs or requires that the Collectors or Receivers of the ſaid Tolls, and all and every the Clerks, Treaſurers, Surveyors, and other Officers to be appointed by

Repealing Directions in Firſt Act for Officers to account.

by the ſaid Truſtees as therein mentioned, and other Perſon or Perſons, ſhall upon their ſeveral Oaths, if required by the ſaid Truſtees or any Five or more of them, verify the Accounts of all Monies which ſhall have been by them reſpectively collected and raiſed, and how and to what Uſes the ſame ſhall have been paid and applied, and the ſeveral Items and Particulars thereof, and the ſeveral Receipts and Payments which ſhall be therein contained, and as ſubjects any ſuch Officers or other Perſons to any Penalty or Puniſhment for refuſing to verify the ſame upon Oath, ſhall be and the ſame is hereby repealed.

Books to be kept of Accounts of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

XXVII. 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, or Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Books ſhall at all ſeaſonable Times be opened to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors of the Tolls, without Fee or Reward; and the ſaid Truſtees or Creditors, and any of them, ſhall and may take Copies of or Extracts from ſuch Book or Books, or any Part or Parts thereof reſpectively, 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 to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in Manner directed with reſpect to the other Penalties and Forfeitures.

Penalty for Refuſal of Inſpection, &c.

Books to be kept as Evidence.

XXVIII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, in the Execution of the ſaid recited Acts and this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, and alſo the Book for regiſtering Mortgages and Transfers, ſhall and may be produced and read in Evidence in all Courts, and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

An Action of Ejectment may be ſupported by one Mortgagee.

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

pari paſſu and in Proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Power to purchaſe Lands for erecting Toll Houſes.

XXX. Provided alſo, and it is hereby further enacted, That if in any Part of the ſaid Roads where it ſhall be neceſſary to erect any Toll Houſe, the ſaid Truſtees ſhall not be enabled to encloſe from the Sides of ſuch Roads ſufficient Ground for erecting ſuch Toll Houſe with ſuitable Buildings and other Conveniences thereto, and a fit Garden for the ſame, ſuch Garden not exceeding One Eighth Part of an Acre, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall have the like Power of agreeing for and purchaſing any Lands neceſſary for erecting ſuch Toll Houſe and Buildings, and making ſuch Garden as is by the ſaid recited Acts or this Act or either of them given for the purchaſing of Lands for the Purpoſes of widening, turning, or altering any Part of the ſaid Roads.

Toll Houſes, &c. veſted in Truſtees.

XXXI. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereunto belonging, already erected or made upon the ſaid Roads or by the Sides thereof, or which ſhall be erected or made by virtue of this Act, and in all Materials for building or repairing the ſame, and for repairing or making the ſaid Roads or any Part thereof, and all other Materials, Articles and Things, which have been provided for the Purpoſes of the ſaid recited Acts, or which ſhall be purchaſed, collected or provided for the Purpoſes of this Act, ſhall be veſted in the Truſtees for carrying this Act into execution; and they the ſaid Truſtees are hereby authorized and empowered to ſell and diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment, againſt any Perſon or Perſons who ſhall without Right keep Poſſeſſion of any ſuch Houſe or Appurtenances, or ſhall break down, or damage, ſteal, or take away, ſpoil, injure or deſtroy any of ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniences or Appurtenances, Materials, Articles or Things, or diſturb the ſaid Truſtees, or their Agents or Servants in the Poſſeſſion thereof, and in all ſuch Actions and Proceedings whatſoever, whether Civil or Criminal, it ſhall be ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or in reſpect of which ſuch Actions and Proceedings ſhall be brought and preferred, is or are the Property of "*The Truſtees for repairing and improving the* Maiden Newton "*Roads*," and that in all Civil or Criminal Proceedings whatſoever relating to the ſaid Roads, and in all Diſputes, Suits, or Litigations, touching or in anywiſe relating to the Tolls or Duties hereby granted, no Perſon or Perſons ſhall be incompetent to give Teſtimony or Evidence therein, by reaſon only of being a Truſtee or Truſtees, Creditors, Mortgagees or Holders of any Security, Farmers, Leſſees, or Collectors of the Tolls, Clerks, Treaſurers, Surveyors, or other Officers or Servants of or other Perſon employed by or under the ſaid Truſtees, or any Inhabitant or Inhabitants of any Townſhip, Pariſh, or Place through which the ſaid Roads do or ſhall paſs.

Houſes, &c. not to be pulled down without Conſent.

XXXII. And be it further enacted, That nothing in this or the ſaid recited Acts or any or either of them contained, ſhall extend or be conſtrued to extend to authorize the ſaid Truſtees, in diverting or altering the Line

Line of the ſaid Road, to take or pull down, injure, or damage any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained.

Truſtees, in altering Roads, not to deviate more than 100 Yards.

XXXIII. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, in diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads, to deviate more than One hundred Yards from the preſent Line or Courſe of the ſaid Roads, without the Conſent in Writing of the Owner or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any ſuch Diverſion or Alteration.

Arrears and Property belonging to former Truſtees veſted in the Truſtees named in this Act.

XXXIV. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property real or perſonal, and all Choſes and Rights of Action, either at Law or in Equity, veſted in the reſpective Truſtees under the ſaid recited Acts of the Eighteenth and Thirty-eighth Years of His preſent Majeſty, ſhall immediately on the Commencement of this Act be veſted in the reſpective Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are reſpectively hereby enabled to recover the ſame; and for that Purpoſe reſpectively to cauſe to be commenced and proſecuted all Actions or Suits at Law or in Equity, in the Name of their reſpective Clerk or Clerks for the Time being, and to act in reſpect thereof as effectually as if the ſame had become due to or had been veſted in ſuch reſpective Truſtees, under or by virtue of this Act; or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the reſpective Truſtees, under the ſaid recited Acts as aforeſaid, by virtue of any Deed or Specialty, ſhall or may be ſued for and recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed or Specialty ſhall have been ſo made or entered into, at the Option or Election of the reſpective Truſtees named in or to be appointed by virtue of this Act; and that all the Coſts to be incurred by the ſaid Truſtees, or Perſons in whoſe Names ſuch Proceedings ſhall be had, ſhall be paid and defrayed by and out of the reſpective Funds or Monies to be raiſed by virtue of this or the ſaid recited Acts; and the Monies, when recovered, ſhall be paid over to the Treaſurer of the ſaid Truſtees, and to be applied for the Purpoſes of this Act.

For taking Poſſeſſion of Toll Houſes when Leſſees of Tolls neglect to fulfil their Contracts.

XXXV. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of the ſaid recited Acts or 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 Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or letting thereof, or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of ſuch Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid County, upon Application made to him by the ſaid Truſtees, or any Five or more of them, or their Clerk or Treaſurer, or any other

Perſon

Perſon authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any 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 other Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid Truſtees, or other Perſon or Perſons acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (if they ſhall think fit,) to vacate and determine the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void, to all Intents and Purpoſes, (ſave as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſee's Part), as if ſuch Demiſe or Agreement had never been made; and in that Caſe, or in caſe the Leaſe or Agreement ſhall otherwiſe become void, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe or let to Farm the ſaid Tolls again, to any Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had ever been made relative thereto.

For preventing Toll Collectors from miſbehaving, &c.

XXXVI. And be it further enacted, That all and every Toll Collector or Toll Collectors, being Leſſee or Leſſees of the Tolls, or any Perſon or Perſons employed by them to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the ſaid Road, ſhall, and he and they is and are hereby required on each and every Day previous to his or their entering on Duty for the Collection of the ſaid Tolls, to place his or their Chriſtian and Surname painted on Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length and of a Breadth in proportion, and painted either in Black Letters on White Ground, or White Letters on Black Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any ſuch Collector or Collectors ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his or their 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 printed Note or Ticket denoting the Payment of ſuch Tolls, and having named and ſpecified thereon the Gate or Gates freed by ſuch Payment; or ſhall omit to keep a Lamp lighted by Night at ſuch Gate, having engaged or agreed ſo to do with the ſaid Truſtees; or ſhall unneceſſarily detain, or upon the legal Toll being paid or tendered, ſhall wilfully obſtruct, hinder, or prevent any Paſſenger, Horſe, Beaſt, Cattle, or Carriage from paſſing through any Turnpike or Toll Gate; or ſhall demand or take any Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption; or ſhall make uſe

of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers; 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, levied, apportioned, and applied in manner hereby, or by the ſaid recited Acts provided for the Recovery and Application of Forfeitures and Penalties.

Penalty on obſtructing Collectors and others.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder or moleſt any Collector or Collectors, or other Perſon or Perſons who ſhall or may be employed by virtue of or in the Execution of this Act, or the ſaid recited Acts, or any or either of them, in the Performance of his or their Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be adjudged, recovered, levied, apportioned, and applied in the ſame Manner as ſuch laſt-mentioned Penalty.

Penalty on Collectors ſuffering Carriages to paſs without weighing.

XXXVIII. And be it further enacted, That for the better preventing Frauds and Colluſions reſpecting Carriages carrying Overweights, if any Leſſee or Leſſees of the Tolls payable at any of the Toll Gates to be continued or erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Perſon or Perſons appointed or to be appointed to the Care of any Weighing Machine or Machines erected or to be erected in or upon the ſaid Roads, ſhall ſuffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any ſuch Machine or Machines to paſs through the Toll Gate or Gates to be continued or erected on the ſaid Roads, without weighing the ſame; or ſhall permit or ſuffer any ſuch Waggon, Wain, Cart, or other Carriage to proceed on the ſaid Roads or any Part thereof, without having firſt paid the Toll payable for ſuch Waggon, Wain, Cart, or other Carriage, and for all ſuch Overweight or Overweights as ſuch Waggon, Wain, Cart, or other Carriage reſpectively ſhall or may happen to have therein or thereon, each and every ſuch Perſon for each and every ſuch Offence ſhall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collectors compounding for Overweight.

XXXIX. And be it further enacted, That if any Leſſee or Leſſees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the ſaid Roads, or any Collector or Collectors, or Perſon or Perſons appointed to the Care of any Weighing Machine or Machines erected or to be erected in or upon the ſaid Roads, ſhall make or enter into any Bargain, Contract, Compoſition or other Agreement, verbal or written, wherein or whereby any ſpecific Sum or Sums of Money, or any Compenſation or Equivalent in Groſs or otherwiſe, is or are paid or to be paid by any Perſon or Perſons for the Charge of Overweight, in reſpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at ſuch Machine or Machines, each and every ſuch Leſſee or Leſſees, and Collector or Collectors, and Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines, ſo bargaining, contracting, compounding, or otherwiſe agreeing as aforeſaid, ſhall for every ſuch Bargain, Contract, Compoſition, or Agreement, forfeit and pay any Sum not exceeding Twenty Pounds for the Firſt Offence, and Double for a Second and every ſubſequent Offence.

Gates not to swing into the Roads.

XL. And be it further enacted, That all Gates hereafter to be made and placed in any Field or Ground adjoining to the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not outwards towards the said Roads; and that it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected, or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered, and made to open and swing inwards; and if any Occupier or Occupiers of the Lands or Grounds upon which any Gate or Gates shall be constructed so as to open outwards towards the said Roads shall, after Fourteen Days Notice from the Surveyor of the said Roads, requiring him or them to alter any such Gate or Gates, so as to make the same to open and swing inwards, refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and moreover, it shall be lawful to and for the said Trustees, or any Five or more of them, if they shall think fit, to order such Alterations as aforesaid to be made and executed by and under the Direction of the said Surveyor; and the Costs and Charges of executing the same to levy by Distress and Sale of the Goods and Chattels of the Occupier or Occupiers so making Default as aforesaid.

Owners neglecting to scour Ditches, Surveyors may do it, after Notice given.

XLI. And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse lying in, or leading into, unto, or out of the said Roads, or any Part thereof, shall not in a proper Manner scour and cleanse such Ditch, Drain, or Watercourse, or cause the same to be done within the Space of Fourteen Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then and in either of the said Cases, the said Surveyor or Surveyors may and is and are hereby authorized and empowered to cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and to pay for such scouring and cleansing the same out of any Money arising by virtue of the said recited Acts or this Act; and if such Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person or in Writing to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of cleansing and scouring such Ditches, Drains and Watercourses, and Non-payment of the Money as aforesaid, upon the Oath of One or more Witness or Witnesses, before any Justice of the Peace for the County where such Person or Persons shall reside (which Oath such Justice is hereby empowered to administer) shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Owner or Owners thereof upon Demand, after all Charges paid.

Owners to pay the Expences.

Carriages on Wheels not rolling a flat Surface, to be considered as Carriages with Narrow Wheels.

XLII. And be it further enacted; That each and every Waggon, Wain, Cart, or other Carriage, passing on the said Roads or any Part thereof, the Wheels whereof shall not roll a flat or level Surface or Surfaces so flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof shall deviate more

more from the exterior Diameter thereof than One-ſixth Part of the Breadth of the Sole or Bottom of the Felly, ſhall be conſidered and deemed a Carriage on Wheels rolling a Surface leſs than Six Inches, and ſhall and may be weighed at any Weighing Engine to be erected on the ſaid Roads or any Part thereof; and the Horſes drawing therein ſhall pay the ſame Tolls, and the ſame Rates of weighing, as they would be liable to pay if drawing in any Waggon, Wain, Cart, or Carriage with Wheels rolling a Surface leſs than Six Inches.

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

XLIII. Provided always, and be it further enacted, That Waggons, Carts, and other Carriages, having the Wheels and Axletrees formed 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.

Power to take down and remove Obſtructions.

XLIV. 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 cauſe to be taken down and removed any Out-houſe, Pent-houſe, Porch, Bow Window, Projection, Bulk, or Wall, erected or built within Fifteen Feet of the Centre of any Part of the ſaid Roads; and any Out-houſe, Pent-houſe, Porch, Bow Window, Projection, Bulk, Wall, or other Building, which may hereafter be erected or built within Fifteen Feet of the Centre thereof; and alſo to cauſe all ſuch Poſts on the ſaid Roads as they ſhall think uſeleſs and inconvenient, and all Steps, Signs, Sign Poſts, Rails, and Water Spouts or Shoots, encroaching upon and projecting into and over any of the ſaid Roads, to be taken down and removed; and the Charges attending the taking down and removing the ſame ſhall be paid and defrayed out of the Monies which ſhall ariſe by virtue of the ſaid recited Acts and this Act.

For removing Nuiſances and preventing Annoyances.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the ſaid Turnpike Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ſuffer any Horſe or other Beaſt or Cattle, Pig or Swine, to graze or ſtray upon the ſaid Roads, or on the Footpaths, or on the Side or Sides thereof, or ſhall ride upon any Footpath or Cauſeway formed upon or on the Side of or adjoining to the ſaid Turnpike Road, or ſhall drive any Horſe, Beaſt, or Swine, or any Carriage upon, or cauſe any Damage to be done to any Footpath or Cauſeway; or if any Perſon ſhall cauſe to be haled or drawn upon any Part of the ſaid Turnpike Road any Timber, Stone, or other Thing (otherwiſe than upon Wheeled Carriages), or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon Wheeled Carriages, to drag upon the ſaid Turnpike Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Turnpike Road ſhall ſuffer them to root up or damage the ſame, or the Fences on either Side thereof; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage uſed for the Carriage of Goods or Merchandize, ſhall ride on the Shafts or other Part of ſuch Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horſes drawing the ſame, upon any Part of the ſaid Turnpike Road; or if

any

any Perſon driving any Coach, Chaiſe, or other ſuch Carriage upon the ſaid Turnpike Road, ſhall drive the ſame without holding the Reins, and if any ſuch Perſon meeting another Coach, Chaiſe, or Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Turnpike Road; and alſo keep on the ſame Side himſelf or herſelf; or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Coach, Chaiſe, Waggon, Cart, or other Carriage under his or her Care, upon the ſaid Turnpike Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football, Bowls, Skittles, or other Games on any Part of the ſaid Turnpike Road; or if any Perſon ſhall leave any Carriage (except in caſes of Accident, and when ſuch Carriage ſhall be placed as near to the Side of the ſaid Turnpike Road as may be) upon or on the Side of the ſaid Turnpike Road, longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall wilfully or negligently lay or ſcatter any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon the ſaid Turnpike Road, or on the Side or Sides thereof, between the ſaid Turnpike Road and the Fences now ſtanding, or hereafter to be erected on the Sides thereof; or if any Perſon after having blocked any Carriage whatſoever in going up any Hill or riſing Ground, ſhall leave on the ſaid Turnpike Road the Stone or other Thing uſed in ſuch blocking; or if any Perſon ſhall plough, dig, or break up any of the Soil between any Part of the ſaid Turnpike Road and ſuch Fences as aforeſaid, for the Purpoſes of making Compoſt or Manure, or otherwiſe ſhall ſcrape off any Soil or other Thing from the ſaid Turnpike Road or the Sides thereof, or ſhall take up and carry away any Scrapings without Leave of the ſaid Truſtees or their Surveyor or Surveyors; or if the Occupier or Occupiers of any Open Lands adjoining to the ſaid Turnpike Road or any Part thereof, or any Perſon or Perſons, ſhall plough up ſuch Lands to the Extremity thereof adjoining to the ſaid Turnpike Road in a tranſverſe Direction with the ſaid Turnpike Road, without leaving a ſufficient Headland to turn his, her, or their Plough or Ploughs, and the Horſes or other Beaſts drawing the ſame thereon, without coming upon the ſaid Turnpike Road or any Part thereof for that Purpoſe, and which Headland ſhall afterwards be ploughed only in a Direction parallel with the ſaid Turnpike Road; every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Manner herein-after mentioned.

Repealing Powers of former Acts reſpecting the getting of Materials.

XLVI. And be it further enacted, That ſo much of the ſaid recited Act of the Eighteenth Year of the Reign of His preſent Majeſty, as empowers the Surveyors of the ſaid Road, and ſuch Perſons as ſhall be employed by them or by the Truſtees, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials out of or from any Waſte or Common Ground, River or Brook; and alſo ſo much of the ſaid Act as empowers the Surveyor or other Perſons as aforeſaid, by Order of a Juſtice or Juſtices, or of the Truſtees or any Five or more of them, to ſearch for, cut, dig, gather, take and carry away ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons; and alſo ſo much of the ſaid Act as,

empowers the Truſtees to ſettle or adjudge the Amount of the Sum to be paid for Damages in getting ſuch Materials; ſhall be and is hereby repealed.

For getting Materials to repair the Road.

XLVII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the ſaid Road, out of any Waſte or Common, or out of any Common River or Brook, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, or in any ſuch Common River or Brook, then and in ſuch Caſe the Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of any Juſtice or Juſtices of the Peace for ſuch County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate (as the Caſe may be), to be made upon the Application of the ſaid Truſtees or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, where the ſame may be had or found, (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Value of ſuch Materials, and alſo for the Damages done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame, or any other Materials for amending, altering, improving, or repairing the ſaid Road, ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then as any One or more Juſtice or Juſtices of the Peace acting in and for ſuch County or Place as aforeſaid (as the Caſe may be) ſhall and may adjudge and determine to be reaſonable; which Judgment or Order of ſuch Juſtice or Juſtices ſhall be final and concluſive on all Parties: Provided alſo, that no ſuch Stone or other Materials as aforeſaid ſhall be gotten, dug for, or taken away within the Diſtance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatſoever.

Notice to be given before Materials taken from incloſed Land.

XLVIII. And be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of the ſaid recited Acts or of this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Road out of or from any incloſed Land or Ground, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Occupier, to appear before any Juſtice or Juſtices of the Peace acting in and for the ſaid County, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Land or Ground; and in

caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor or other Perſon orPerſons to dig, gather, get, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof and Oath of the Service of ſuch Notice, and which Oath he, they, or any of them is and are hereby empowered to adminiſter) make ſuch Order therein, as he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

Penalty on taking any Materials got by the Surveyor.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of repairing or improving the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made, dug, or opened for the Purpoſe of getting the ſaid Materials for the ſaid Roads, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Forty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers, who may get any Materials therein, ſuch Materials not being already dug or gathered, for the Uſe of ſuch Owners or Occupiers only, and not for the Uſe of any other Highway or for Sale), or ſhall remove or carry away any Earth, Soil, or Scrapings lying upon or by the Sides of the ſaid Road without Leave of the Surveyor, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Application of Compenſation when Lands to be purchaſed amount to or exceed 200l.

L. 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 the ſaid recited Acts, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any 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 *exparte* the reſpective Truſtees for executing the ſaid recited Acts, 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 Parts thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or to the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled

to,

to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined and capable of taking effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by the Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation is leſs than 200l. and not leſs than 20l.

LI. 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, 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, 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 reſpective Truſtees for executing the ſaid recited Acts and 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 and Intereſt 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 Court of Chancery.

Application when the Money is leſs than 20l.

LII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt 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 the ſaid recited Acts, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to or for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

LIII. And

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

LIII. 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 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 respective Trustees, or any Five or more of them; 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 and may be lawful to and for the said respective 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, and Hereditaments, (describing them), subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, 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 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.

subject to the Order of the Court of Chancery, on Motion or Petition.

Persons in Possession to be deemed presumptively entitled, &c.

LIV. 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, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts, 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 Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be 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.

Court of Chancery to direct Payment of Expences.

LV. Provided always, 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 the ſaid recited Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of any 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 of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts, or ſo much of the ſaid Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Reſtriction from erecting a Turnpike between Buck's Head and Whiſtle Bridge, recited and repealed.

LVI. And whereas by the ſaid recited Act of the Eighteenth Year of His ſaid Majeſty's Reign, it is enacted, that no Gate or Turnpike ſhould be erected, or any Toll received (amongſt other Places therein deſcribed) between a certain Public Houſe in the Pariſh of *Stockwood* in the ſaid County of *Dorſet*, called the *Buck's Head*, and *Whiſtle Bridge* aforeſaid, on the Road leading from the Town of *Dorcheſter* aforeſaid to the Town of *Yeovil* in the ſaid County of *Somerſet*; which ſaid Reſtriction is found to be very inconvenient and injurious to the Revenue of the ſaid Road; be it therefore enacted, That the ſaid recited Proviſion and Reſtriction ſhall be and the ſame is hereby repealed and made void, any thing in the ſaid recited Act or this Act to the contrary notwithſtanding.

Roads fenced in, to be repaired by the ſame Perſons as before.

LVII. And be it further enacted, That if any Part or Parts of the ſaid Roads which at preſent are open and unincloſed, ſhall at any Time or Times hereafter be incloſed and fenced in, then that ſuch Road or Roads, and every Part thereof, ſo incloſed and fenced, ſhall ſtill be kept in Repair by and at the Expence of ſuch Perſon or Perſons, Tithing or Tithings, Pariſh or Pariſhes, which were ſubject or liable to the Repairs thereof, and in ſuch and the ſame Manner, as before ſuch Road or Roads were incloſed and fenced in, and as if the ſame had never been incloſed or fenced.

Statute Duty.

LVIII. And be it further enacted, That ſo much of the ſaid recited Act of the Eighteenth Year of the Reign of His preſent Majeſty, as relates to the Performance of Statute Labour on the ſaid Roads, and as declares that Perſons renting or holding Fifty Pounds a Year ſhould be deemed to keep a Team, ſhall be and the ſame is hereby repealed; and 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 Roads, 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 within their Juriſdiction, and they are hereby required and empowered, upon Application made to him or them by the ſaid Truſtees or any One or more of them, 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 Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute

Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer 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 of every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Fourteen 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 by Teams, 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 are or may be directed by any Law or Statute in force for the Repairs of the Public Highways, and ſhall be verified on Oath by ſuch Surveyor or Surveyors; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid 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 Roads, as the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to 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, Townſhip, or Place, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is hereby 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 uſual Place or Places of Abode, for that Purpoſe, by any 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 for the Repair of the Public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, 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 Perſon on ſending ſuch Labourer ſo removed or diſmiſſed, 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 of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any

of

of the ſaid Pariſhes or Places ſhall refuſe or neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may compound for Tolls.

LIX. And be it further enacted, That it ſhall be lawful for the Truſtees of the ſaid Roads, or any Five or more of them, from Time to Time, as they ſhall ſee convenient and think proper, to compound and agree for any Term not exceeding One Year at one Time, with all or any of the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, or Places in which the ſaid Roads lie, for the paſſing of his, her, or their Horſes, Cattle, or Carriages through all or any of the ſaid Toll Gates or Turnpikes on the ſaid Roads, or on the Sides thereof; which Compoſition Money ſhall be paid in advance, and in default thereof the Compoſition ſhall be void.

Conviction of Offenders.

LX. And for the more eaſy Conviction of Offenders againſt the ſaid recited Acts and this Act, be it further enacted, That the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form or in the Words to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be:

Form of Conviction.

Somerſet or Dorſet, as the Caſe may be.

'BE it remembered, That on (*Time of Conviction*) at (*Place of Conviction*) *A. B.* (*Name of Offender*) of (*Addition of Offender*) was duly convicted before me (*or* us) (*Name and Style of convicting Juſtice or Juſtices*), for that the ſaid *A. B.* (*Name of Offender*) on (*Time of committing Offence*) at (*Place of committing Offence,*) did (*here ſtate the Offence againſt the Act, according to the Fact*) contrary to the Form of the Statute made in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled (*here ſet forth the Title of the Act*); and I (*or* we) do therefore declare and adjudge the ſaid *A. B.* (*Name of Offender*) has forfeited for the ſaid Offence the Sum of (*Fine*) or ſhall be committed to (*Place of Impriſonment*) for the Space of (*Time of Impriſonment*). Given under my Hand and Seal, (*or* our Hands and Seals), the Day and Year firſt above written.'

Penalties and Forfeitures how to be recovered and applied.

LXI. And be it further enacted, That all Penalties and Forfeitures by the ſaid recited Acts or this Act impoſed or inflicted (the Manner of recovering and levying whereof is not otherwiſe particularly directed), ſhall upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County wherein the Offence ſhall be committed, either by the Confeſſion of the Parties reſpectively, or by the Oath of One credible Witneſs (which Oath ſuch Juſtice is hereby empowered and required to adminiſter), or upon the View of ſuch Juſtice, be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered to grant); and the Overplus, after ſuch Penalties and Forfeitures and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the ſaid Penalties and Forfeitures, when ſo levied and recovered, ſhall from Time to Time be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer,

ſurer, and ſhall be applied (if not otherwiſe directed by the ſaid recited Acts or this Act) for and towards amending the ſaid Roads, and other the Purpoſes of the ſaid recited Acts and this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offenders reſpectively to be committed to the Common Gaol or Houſe of Correction of ſuch County, there to remain without Bail or Mainprize for ſuch Term as ſuch Juſtice ſhall direct, not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Power to reward Informers.

LXII. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them (if they ſhall ſee Cauſe), from Time to Time to pay and apply any Part of the ſaid Penalties and Forfeitures, or any of them, to and for the Uſe of the Informer or Informers, or any Perſon or Perſons (not being a Witneſs or Witneſſes) aiding or aſſiſting in the Apprehenſion or Diſcovery of any Offender or Offenders therein or any of them; any Thing herein contained to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form.

LXIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide, or vacated for want of Form only, nor ſhall be removed or removeable by Certiorari or otherwiſe into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made or any Sum or Sums of Money to be levied by virtue of this Act or the ſaid recited Acts, 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; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby, in an Action upon the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fifteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace, at their General Quarter Seſſions to be holden for the County in which the Cauſe of Complaint ſhall ariſe, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſion, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Cauſe ſhall ariſe, and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and, if they ſee Cauſe, ſhall and may by Order of ſuch Seſſion mitigate at their Diſcretion all

or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy by their Order or Warrant ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall and is and are hereby required to give Notice in Writing to the Perſon and Perſons concerned in ſuch Appeal, and of the Matter thereof, of ſuch his or their Intention of bringing and proſecuting an Appeal, Fifteen Days before the ſaid Quarter Seſſion, and ſhall before ſuch Notice given enter into a ſufficient Recognizance, before One or more Juſtice or Juſtices of the Peace, with two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Notice of Appeal to be given.

Limitation of Actions.

LXV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done or pretended to be done in purſuance of this Act, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the Truſtees of the reſpective Diſtricts of Roads, nor after a ſufficient Satisfaction, or a Tender thereof, ſhall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall have been given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Expences of the Act to be firſt paid.

LXVI. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, ſhall be paid and diſcharged by the ſaid Truſtees, or any Five or more of them, out of the Money which hath ariſen by virtue of the ſaid recited Acts, or out of the firſt Monies which ſhall ariſe by virtue thereof or of this Act, together with lawful Intereſt for the ſame from the Time of advancing or diſburſing the ſame, in preference to any other Payments whatſoever;

and the Monies then remaining, and afterwards to be raiſed as aforeſaid, ſhall from Time to Time be applied by the ſaid Truſtees, or any Five or more of them, in putting and carrying this and the ſaid recited Acts into Execution, and repaying the principal Monies already borrowed or to be borrowed on the Credit of the ſaid Tolls, and the Intereſt thereof reſpectively.

Public Act.

LXVII. 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.

Continuance of the Act.

LXVIII. And be it further enacted, That the Term or Terms granted and continued by the ſaid recited Acts ſhall on the paſſing of this Act ceaſe, end, and determine; and that this Act and the ſaid recited Acts (except ſo much thereof as is by this Act varied, altered, amended, or repealed), ſhall from thenceforth commence, continue, and be in force and effect, and be executed, 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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