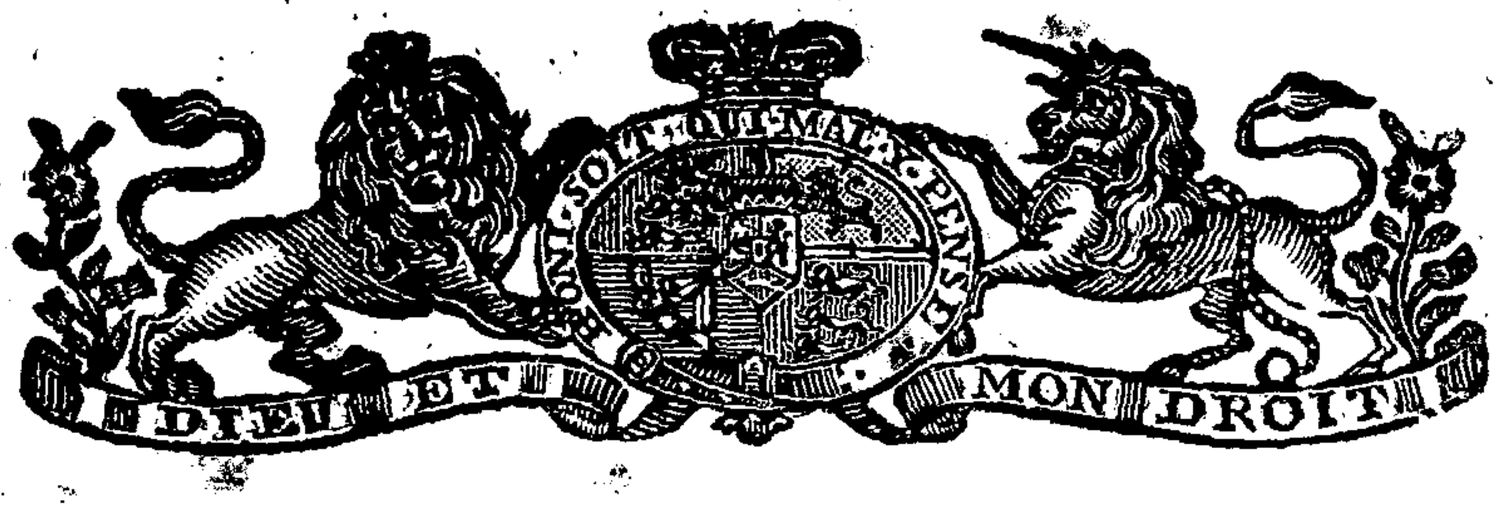



ANNO QUINQUAGESIMO NONO

# GEORGII III. REGIS.

## *Cap.* xlv.

An Act for more effectually repairing the Road from *Brickers Barn*, in the Parish of *Corsham*, in the County of *Wilts*, to the Road leading from *Kingsdown* to *Bath Easton*, in the County of *Somerset*.

[19th *May* 1819.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, making commodious, and keeping in Repair the Road from the* Cross Keys, *otherwise* Brickers Barn, *in the Parish of* Corsham, *in the County of* Wilts, *to* Bath Easton Bridge, *in the County of* Somerset: And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for continuing the Term of an Act of the Thirtieth Year of His late Majesty, for amending, widening, making commodious, and keeping in Repair the Road from the* Cross Keys, *otherwise* Brickers Barn, *in the Parish of* Corsham, *in the County of* Wilts, *to* Bath Easton Bridge, *in the County of* Somerset: And whereas an Act was passed in the Forty-first Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of Two Acts, passed in the Thirtieth Year of the Reign of His late Majesty King* George *the Second, and the Nineteenth Year of the Reign of His present Majesty, for amending, widening, making commodious, and keeping in Repair the Road from the* Cross Keys,

30 G. 2. c. 46

19 G. 3. c. 112.

41 G. 3. c. 18.

Keys, *otherwiſe* Brickers Barn, *in the Pariſh of* Corſham, *in the County of* Wilts, *to* Bath Eaſton Bridge, *in the County of* Somerſet: And whereas the ſaid ſeveral recited Acts have been put in Execution, and Part of the ſaid Road therein compriſed, that is to ſay, the Road leading from the *Croſs Keys* otherwiſe *Brickers Barn* aforeſaid, until the ſame joins the Turnpike Road leading from *Kingsdown* to *Bath Eaſton*, in the ſaid County of *Somerſet*, hath been purſuant to the Powers by the ſaid Acts reſpectively given, repaired, widened, and improved, and rendered more ſafe and commodious for Paſſengers, Cattle, and Carriages; but the other Part of the ſaid Road compriſed in the ſaid Acts, that is to ſay, the Road leading from the Point of Junction aforeſaid to *Bath Eaſton Bridge*, hath been for a great many Years paſt under the Care, Controul, and Management, and conſtantly kept in Repair by the Truſtees for executing an Act paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act for repealing an Act paſſed in the Thirty-third Year of His preſent Majeſty, intituled 'An Act for amending, improving, and keeping in Repair ſeveral 'Roads leading to and from the City of* Bath, *and for granting other Powers 'for more effectually improving the ſeveral Roads therein deſcribed, being in 'and leading to and from the ſaid City:'* And whereas the Term granted and continued by the ſaid recited Acts of the Thirtieth Year of the Reign of His ſaid late Majeſty King *George* the Second, and the Nineteenth and Forty-firſt Years of His ſaid preſent Majeſty's Reign, is near expiring; and the ſaid Road, from the *Croſs Keys* otherwiſe *Brickers Barn* aforeſaid, to the ſaid Turnpike Road leading from *Kingsdown* to *Bath Eaſton* aforeſaid, cannot be ſufficiently kept in Repair; nor can the Money already borrowed and now due and owing on the Credit of the Tolls granted by the ſaid Acts be paid off, without the further Aid and Authority of Parliament: And whereas the Powers and Authorities requiſite for the Improvement, Repair, and Maintenance of the ſaid Road, might be more conveniently executed if the ſaid recited Acts of the Thirtieth Year of the Reign of His ſaid late Majeſty King *George* the Second, and the Nineteenth and Forty-firſt Years of His ſaid preſent Majeſty's Reign, were repealed, and further and other Powers granted inſtead thereof in one Act of Parliament; but the Purpoſes cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and immediately after the paſſing of this Act, the ſaid ſeveral recited Acts of the Thirtieth Year of the Reign of His ſaid late Majeſty King *George* the Second, and the Nineteenth and Forty-firſt Years of His ſaid preſent Majeſty's Reign, ſhall be and the ſame are hereby declared to be repealed, and null and void, to all Intents and Purpoſes whatſoever; and that inſtead thereof this Act ſhall, on the paſſing thereof, commence and take Effect, and ſhall continue in force and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of amending, widening, making commodious, and keeping in Repair the ſaid Road leading from the *Croſs Keys* otherwiſe *Brickers Barn* aforeſaid, to the ſaid Turnpike Road leading from *Kingsdown* to *Bath Eaſton*, in the ſaid County of *Somerſet*.

Recited Acts repealed.

Commencement of this Act.

Truſtees.

II. And be it further enacted, That all His Majeſty's Juſtices of the Peace acting in and for the ſaid Counties of *Wilts* and *Somerſet*, together with

with Sir *George Duckett* Baronet, Sir *Harry Neale* Baronet, *Robert Aſhe*, *Robert Aſhe* Clerk, *John Awdry*, *Nathan Atherton*, *William Henry Awdry*, *Richard Hayward Alexander*, *Charles Awdry* Clerk, *John Beames*, *William Briſcoe*, *Michael Burrough*, *Richard Bedford* Clerk, *William Coleman*, *Walter Coleman*, *William Colborne*, *Thomas Collett* the younger, *Thomas Dickinſon*, *Thomas Edridge*, *Edward Ellis* Clerk, *Abraham Lloyd Edridge*, *John Figgins*, *Robert Fowler*, *Thomas Fowler*, *John Fowler*, *John Fuller*, *John Bird Fuller*, *Anthony Guy*, *Gabriel Goldney*, *William Goldney*, *Thomas Goldney*, *Harry Goldney*, *Ralph Hale Gaby*, *John Rock Groſett*, *William Gundry*, *Audley Harvey*, *Iſaac William Webb Horlock* Clerk, *William Hulbert*, *Chriſtopher Heath*, *George Hawkins*, *Robert Humphrys*, *Robert Hale Blagden Hale*, *Robert Hulbert* Brewer, *Michael Joy*, *Henry Hall Joy*, General *James Kerr*, *Richard Kemm* Doctor of Phyſic, *Richard Long*, *Walter Long*, *John Long*, *John Long* the younger, *Thomas Leir*, *Thomas Macie Leir*, *Paul Methuen*, *John Andrew Methuen* Clerk, *George Conway Montagu*, *Edward Michell*, *John Merewether*, *William Northey*, *John Noyes*, *Eleazer Pickwick*, *Thomas Pycroft*, *James Paley* Clerk, *John Ruſſell*, *Harry Ruſs*, *Thomas Spencer*, *William Sainſbury* Doctor of Phyſic, *William Sainſbury* the younger, Doctor of Phyſic, *William Rance Sainſbury* Clerk, *Henry Skrine*, *Samuel Smith* Clerk, *William Scrope*, *John Charles Tuffnell*, *Charles Salter Taylor*, *John Wiltſhire*, *John Wiltſhire* the younger, *William Pole Tylney Long Welleſley*, and *George Yeeles*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for ſurveying, ordering, turning, widening, and keeping in Repair and improving the ſaid Road leading from the *Croſs Keys* otherwiſe *Brickers Barn* aforeſaid, to the ſaid Turnpike Road leading from *Kingsdown* to *Bath Eaſton*, in the ſaid County of *Somerſet*, and for otherwiſe putting in Execution all other the Powers by this Act given and granted.

Power to appoint additional Truſtees.

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

For electing new Truſtees.

IV. And be it further enacted, That when and as often as any Truſtee hereby appointed, or to be appointed in Manner herein-after mentioned, ſhall become by Bankruptcy or Inſolvency diſqualified to act, or ſhall die or refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees for the Time being, or any Nine or more of them, by Writing under their Hands, to elect and appoint one other Perſon to be a Truſtee in the Room and Stead of ſuch Truſtee ſo diſqualified to act, or deceaſed, or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Road, and alſo by inſerting the ſame in ſome public Newſpaper circulating in the Neighbourhood through which the ſaid Road paſſes, at leaſt Twenty Days before every ſuch Meeting ſhall be held; and all Perſons who ſhall be ſo elected, are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen, were veſted with.

V. Pro-

How Truſtees ſhall be 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 Act, unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir apparent of a Perſon ſeiſed of an Eſtate in Lands of the yearly Value of One hundred and fifty Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount of Four thouſand Pounds; nor before he ſhall have taken and ſubſcribed the Oath or Affirmation herein-after mentioned, before any Three or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame, in the Words or to the Effect following; (that is to ſay),

Oath of Qualification.

'I *A. B.* do ſwear [*or*, being one of the People called Quakers, do ſolemnly affirm] That I truly and *bonâ fide* am ſeiſed of in my own Right, or in the Right of my Wife [*as the Caſe may be*,] and in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate in Law or Equity, of the clear yearly Value of One hundred Pounds, or poſſeſſed of a Perſonal Eſtate of the Amount of Four thouſand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Truſts and Powers veſted and repoſed in me by an Act, paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Penalty on acting if unqualified.

And if any Perſon not being qualified as aforeſaid, ſhall preſume to act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and ſuch Perſon ſo ſued or 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 Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any Perſon or Perſons touching the Execution of this Act, previous to his or their being convicted of any ſuch Offence, ſhall, notwithſtanding ſuch ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Mortgagees or Aſſignees not unqualified.

VI. Provided always, and be it further enacted, That any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by the ſaid former Acts or this Act, or receiving Intereſt thereon for the ſame, ſhall not therefore be deemed unqualified or diſabled from acting as a Truſtee in the Execution of this Act.

Truſtees not to act when intereſted.

VII. Provided alſo, and be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act, in any Caſe relating to, or contracting for, or purchaſing of any Lands or Hereditaments, or in any other Caſe whatſoever, where he ſhall be perſonally intereſted.

VIII. And

Time and Place of firſt Meeting of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Methuen Arms Inn*, in the Town of *Corſham* aforeſaid, if then open, and if not, then at ſome other Inn or Place in the ſaid Town, upon the Third *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed to the Execution of this Act; and adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place in or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act in Execution, (provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only); and if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act and to adjourn to another Day, any Three or more of the ſaid Truſtees, or their Clerk or Clerks, ſhall, by public Notice, in Writing to be affixed on all the Turnpike Gates then erected upon the ſaid Road, at leaſt Fourteen Days before the next Meeting, appoint the Truſtees to meet at the Houſe or Place where the laſt Meeting was appointed to be held, or at ſome other convenient Houſe or Place in or near the ſaid Road, on ſome convenient Day, not exceeding Fourteen Days from the Date of the ſaid Notice; and that all Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed from Time to Time by the major Part of them, who ſhall attend at any Meeting to be holden in purſuance of this Act (the Number of Truſtees preſent at ſuch Meeting not being leſs than Five, except where otherwiſe directed); and all the Acts, Orders, and Proceedings of the major Part of ſuch Truſtees preſent at ſuch their ſeveral Meetings, ſhall have the ſame force and effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as herein excepted); and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo 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 the Chairman ſhall have and he is hereby empowered to give the deciſive or caſting Vote.

Manner of adjourning.

The Majority may act, the whole Number not being leſs than Five.

Chairman to be appointed and to have the caſting Vote.

Meetings on emergent Occaſions.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Five or more of them, mentioning the Time and Place of ſuch Meeting, ſhall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then erected upon the ſaid Road, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Three Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch Meeting ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment.

Perſons holding Places of Profit not to act as Truſtees.

X. And be it further enacted, That no Truſtee ſhall have or hold any Place of Profit ariſing out of or by reaſon of the Tolls hereby granted, nor ſhall be directly or indirectly intereſted or concerned in any Contract or Contracts; but every ſuch Perſon ſhall be incapable of acting as a Truſtee during his Enjoyment of ſuch Place of Profit, or whilſt he ſhall be ſo intereſted as aforeſaid, nor ſhall any Perſon act as a Truſtee in the Execution of this Act, who ſhall ſell Wine, Cyder, Ale, Beer, or Spirituous

Truſtees in the Commiſſion of the Peace may act as Juſtices.

Liquors by Retail: Provided nevertheleſs, that ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Wilts* and *Somerſet* or either of them, ſhall and may act nevertheleſs as Juſtices of the Peace within their reſpective Juriſdictions, for the more ſpeedy and effectual putting in Execution the ſeveral Powers hereby given and granted.

For entering Proceedings in Books.

XI. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the ſaid Truſtees at any Meeting of Five or more of them; which ſaid Book or Books, and alſo the Book herein-after directed to be kept for regiſtering Mortgages and Aſſignments, ſhall and may be read in Evidence in all Caſes of Appeal, and in all Suits or Actions touching any Thing done in purſuance of this Act.

No Order to be repealed, unleſs Thirteen Truſtees be preſent.

XII. Provided always, and be it further enacted, That no Order made by any Five or more of the ſaid Truſtees, ſhall be revoked or altered, unleſs Thirteen Truſtees at the leaſt ſhall be preſent, and ſhall concur therein; and unleſs Notice ſhall have been given of the Intention to revoke or alter ſuch Order, by affixing the ſame in Writing upon all the Turnpike Gates then ſtanding upon the ſaid Road, Ten Days before the Meeting for that Purpoſe.

Truſtees may appoint Officers.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe (whereof Twenty Days Notice ſhall be given in Writing under their Hands and Seals), ſhall and may nominate and appoint One or more fit Perſon or Perſons to be a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and alſo a Receiver or Receivers, and Collector or Collectors of the ſaid Tolls, with ſuch Salaries as they, or any Five or more of them, ſhall think reaſonable; and ſhall alſo appoint ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and ſhall have Power from Time to Time to remove ſuch Clerks, Treaſurers, Surveyors, Receivers, Collectors, and other Officers, as they ſhall ſee Occaſion, and appoint new ones in Caſes of Death or ſuch Removal; and that no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees, who ſhall ſell any Ale, Wine, or other Spirituous Liquors by Retail; and the Tolls hereby granted ſhall be paid to ſuch Perſon or Perſons as ſhall from Time to Time be ſo appointed to receive the ſame; and the ſaid reſpective Clerks, Treaſurers, Surveyors, Receivers, Collectors, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall from Time to Time, as often as they or any of them ſhall be required, give unto ſuch Truſtees true and perfect Accounts in Writing under their reſpective Hands, of all the Monies which ſhall have been by them reſpectively collected or received, and how and to what Uſes and Purpoſes the ſame have been paid and applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall direct and appoint to receive the ſame; and if any of the ſaid Officers or other Perſons ſhall not give ſuch Account, or ſhall refuſe to deliver up all the Books, Papers, and Accounts belonging to the ſaid

Truſtees may remove Officers, and appoint others.

Officers to account.

Truſtees, within Fourteen Days after being ſerved with a Copy of an Order ſigned by Five or more of the ſaid Truſtees requiring the ſame, the ſaid Truſtees, or any Five or more of them, are hereby required to make, or cauſe Application to be made, to any Two Juſtices of the Peace for the County, Diviſion, or Place where ſuch Officer or other Perſon ſhall reſide; which Juſtices are hereby authorized and required to make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Perſon ſhall be thereof convicted, ſuch Juſtices ſhall commit him to ſome Common Gaol or Houſe of Correction within the County where ſuch Officer or other Perſon ſhall reſide, there to remain until he ſhall give and make a true and perfect Account, or give Security, to the Satisfaction of the ſaid Juſtices or Truſtees, to make ſuch Account within ſome reaſonable Time to be allowed and approved by the ſaid Juſtices or Truſtees; and in caſe any of the ſaid Officers or other Perſons ſhall refuſe or neglect to pay any Sum or Sums of Money which ſhall appear to remain in his or their Hands, it ſhall be lawful for any Two Juſtices of the Peace for the County, Diviſion, or Place where ſuch Perſon or Perſons ſhall live or reſide, to make Inquiry touching ſuch Neglect or Refuſal, in a ſummary Way, in Manner as aforeſaid, and by Warrant under their Hands and Seals to cauſe ſuch Sum or Sums of Money (not exceeding One hundred Pounds) as ſhall appear to them to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any) upon Demand, after the Money remaining due and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted, unto ſuch Perſon or Perſons upon Demand; and if ſufficient Diſtreſs cannot be found, then the ſaid Juſtices, or any Two other Juſtices of the Peace, ſhall commit ſuch Perſon or Perſons to ſome Common Gaol or Houſe of Correction within the County where ſuch Perſon or Perſons ſhall live or reſide, there to remain without Bail or Mainprize, until he or they ſhall have paid over ſuch Monies in Manner as aforeſaid, or ſhall have given Security to be approved of by the ſaid Juſtices or Truſtees, or have compounded for the ſame, which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled, are hereby empowered to make; ſaving to all ſuch Perſons their lawful Appeals at the General Quarter Seſſions, as herein-after provided: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs as aforeſaid, ſhall be detained in Priſon by virtue of this Act for any longer Time than Six Calendar Months.

Juſtices to inquire into the Default.

Officers to account.

XIV. And be it further enacted, That the ſaid Truſtees are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls, and other Officers to be appointed as aforeſaid, for the due Execution of their reſpective Offices, as to the ſaid Truſtees ſhall ſeem expedient.

Treaſurer, &c. to give Security.

XV. Provided always, and be it further enacted, That as often as any Collector of the ſaid Tolls or other Officer ſhall die, or ſhall be negligent or incapable of performing his Duty, or ſhall miſbehave himſelf therein, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting to be held in purſuance of this Act, by any Writing under

For appointing Officers in certain Caſes, though not at Meetings.

under their Hands, to diſplace ſuch Collectors and other Officers, and appoint others in the Stead of ſuch Perſons ſo dying or diſplaced; and all ſuch Collectors and other Officers ſo appointed, ſhall have the ſame Authority to act in the Execution of their reſpective Offices as the Perſons they ſhall ſucceed was or were veſted with, until the ſaid Truſtees, or any Five or more of them, ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls or other Officers as aforeſaid,

Clerk not to act as Treaſurer, and vice verſa.

XVI. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, 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 this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered 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.

Officers under the former Acts to account to the Truſtees under this Act.

XVII. Provided always, and be it further enacted, That all Perſons who have been employed, or who ſhall have received any Tolls or other Money by virtue or in purſuance of the ſaid recited Acts, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or Things, relating to the Road comprized in this Act, ſhall account for and pay and deliver over the ſame and every Part thereof to the ſaid Truſtees, in like Manner and under the like Penalties as are herein-before directed in reſpect to the ſeveral Officers and other Perſons receiving any Monies, or having the Cuſtody or Power of any Books, Writings, or other Things by virtue of this Act.

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

XVIII. 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 the Clerk for the Time being to the ſaid Truſtees, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the Clerk to the ſaid Truſtees ſhall refuſe to permit, or ſhall not permit at all reaſonable Times, the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect ſuch Book or Books, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Fifty Pounds, to be recovered by an Action

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at Law in any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Power to erect Gates, &c.

XIX. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may continue, erect, or set up, or cause to be continued, erected, or set up, One or more Gate or Gates, Turnpike or Turnpikes, Toll House or Toll Houses, in, upon, and across any Part or Parts of the said Road hereby intended to be repaired, and also upon the Sides thereof, and also across any Street, Lane, Common, or Way leading into or out of the said Road, with suitable Outbuildings to such Toll House or Toll Houses; and also may take in and inclose from the said Road, or any Part thereof, convenient Garden Spots for each of the said Toll Houses, not exceeding One-eighth Part of an Acre to each Toll House, as the said Trustees, or any Nine or more of them, shall direct or appoint; and it shall be lawful for the said Trustees, or any Nine or more of them, to remove, take down, or discontinue any Toll Gate or Toll Gates erected or hereafter to be erected in, upon, across, or on the Side or Sides of the said Road, or any Part thereof, and to erect another Gate or other Gates instead thereof, in such Manner and at such Place or Places as they shall think right and proper; and that the respective Tolls following shall be demanded and taken at each of the said Gates or Turnpikes, by such Person or Persons as the said Trustees, or any Nine or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any Turnpike or Gate already erected, or which shall be erected upon the said Road, or on the Side or Sides thereof, across any Street, Lane, Common, or Way leading into or out of the said Road; (that is to say),

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Timber Carriage, Cart, Sledge, Dray, or other such Carriage, the Sum of Eight-pence:

For every Ox or other Neat Cattle, drawing any Waggon, Wain, Timber Carriage, Cart, Sledge, Dray, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricle, Chaise, Tax Cart, or Chair, or other such Carriage, of whatever Name or Description, the Sum of Sixpence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

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

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence *per* Score, and so in proportion for any less Number:

How Tolls may be recovered.

Which said respective Sums of Money shall be demanded and taken as Tolls; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, to levy the same by Distress of any Horse or Horses or other Cattle, or of any Carriage upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattels of such Person and Persons respectively; and if such Tolls, and the reasonable

Charges of ſuch Diſtreſs ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, ſuch Perſon or Perſons ſo diſtraining may ſell or cauſe to be ſold the Horſe or Horſes, Cattle, Carriage, or Goods ſo diſtrained, returning the Overplus (if any) upon Demand to the Owner thereof, after ſuch Tolls and reaſonable Charges of diſtraining, keeping, and ſelling the ſame ſhall be deducted and paid; and that all the Tolls and Money to be collected or levied under this Act, and Monies borrowed or to be borrowed on the Credit thereof, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be paid, applied, and diſpoſed of to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein mentioned.

Tolls veſted in Truſtees.

How often Tolls ſhall be paid in a Day.

XX. And be it further enacted, That no more than One Toll ſhall be demanded or taken in any one Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night, for or in reſpect of the ſame Horſes, Beaſts, Carriages, and Cattle paſſing through all or any Turnpike Gate or Turnpike Gates erected or to be erected on the ſaid Road, or on the Sides thereof, except in caſe of a Turnpike Gate being erected acroſs the ſaid Road at or near a Place called *Hill's Green*, in the Pariſh of *Corſham* aforeſaid, as herein-after mentioned.

Power given to take Tolls at any Turnpike Gate which may be erected at Hill's Green, in addition to the Tolls taken at either of the other Gates.

XXI. Provided always, and be it further enacted, That in caſe the ſaid Truſtees, or any Nine or more of them, ſhall in purſuance of the Powers in this Act contained, order and direct that a Turnpike Gate ſhall be erected acroſs the ſaid Road, at or near *Hill's Green*, in the Pariſh of *Corſham* aforeſaid, then and in ſuch caſe it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, if they ſhall think proper ſo to do, to order and direct that the Tolls hereby granted ſhall be demanded, received, and taken at ſuch Turnpike Gate which may be erected at *Hill's Green* aforeſaid, for all ſuch Horſes, Beaſts, Carriages, and Cattle, as may paſs through the ſaid Gate in any one Day, to be computed as aforeſaid, in addition to and beſides any Tolls to which the ſame Horſes, Beaſts, Carriages, and Cattle may be liable and ſubject for paſſing through one other Turnpike Gate on the ſaid Road, ſo that the ſame Horſes, Beaſts, Carriages, and Cattle may be ſubject and liable to Two Tolls if they ſhall paſs through the ſaid Turnpike Gate that may be erected at *Hill's Green* aforeſaid, and any one other Turnpike Gate on the ſaid Road; any Thing in this Act contained to the contrary notwithſtanding.

Truſtees to provide Tickets denoting Payment of Tolls, &c.

XXII. And be it further enacted, That upon Payment of the ſaid Tolls, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Tolls, a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Name or Names of the Gate or ſeveral and reſpective Gates freed by ſuch Payment.

For ſettling Diſputes concerning Tolls.

XXIII. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Amount of the Tolls or the Charges of the Diſtreſs (as the Caſe may happen) be aſcertained by ſome Juſtice of the Peace for the County wherein the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall

ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall aſſeſs and award ſuch Coſts, to be paid by either Party to the other of them, as to the ſaid Juſtice ſhall appear juſt and reaſonable, all which Coſts and Charges ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Collectors may be Witneſſes.

XXIV. 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 by the ſaid Truſtees to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid 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 acting under the Authority of the ſaid Truſtees.

Regulations as to Toll Collectors.

XXV. And be it further enacted, That every Toll Collector, being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the ſaid recited Acts, or hereafter to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his beginning to collect ſuch Tolls or coming on Duty, each of the Letters of ſuch Name to be at leaſt One Inch in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground or Black Letters upon a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Tolls, or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand and take or cauſe to be demanded and taken a greater or leſs Toll, or any different or other Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and ſhall claim ſuch Exemption, or ſhall refuſe to permit or ſuffer or ſhall in any way hinder any Perſon or Perſons from reading ſuch Chriſtian and Surname, or ſhall refuſe to tell his Chriſtian and Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls, or any of them, or ſhall in Anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Tolls, and naming and ſpecifying the Toll Gate or Toll Gates freed by ſuch Payment, or upon the legal Toll paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Perſon or Perſons from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the

the Information shall be laid shall adjudge; and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied.

For compounding Tolls.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree with any of the Inhabitants within any of the Parishes wherein or near to which any Part of the said Road doth lie, for the Passage of their Cattle or Carriages, except Waggons, Wains, and Carts, the Fellies of the Wheels whereof are or shall not be of the Breadth or Gauge of Nine Inches; all which Composition Money shall be paid in advance, and shall be applied as the Tolls hereby granted are directed to be applied.

Exemptions from Tolls.

XXVII. Provided always, and be it further enacted, That no Person shall be charged with any of the Tolls aforesaid, for any Horses, Cattle, or Carriages passing through any of the Turnpikes already erected, or which shall be erected by virtue of this Act, carrying any Quantities of Stones, Gravel, or other Materials for repairing the said Road, or any other Roads in the Parishes in which the Road hereby directed to be repaired doth lie, or in any of the next adjoining Parishes, or that shall carry through the said Turnpikes any Dung, Mould, Rubbish, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land; nor shall any Person or Persons be chargeable with the said Tolls for any Waggons or Carriages carrying any Hay or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the respective Owners thereof, nor for any Ploughs, Harrows, or other Implements of Husbandry, nor for any other Things whatsoever employed in Husbandry or in manuring of Lands in the respective Parishes through which the said Road doth lead; nor for any Horse, or any Cattle or Sheep going to or from Water, Pasture, or Plough, or Tillage or Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop to be shoed or farried; nor shall any Toll be demanded or taken from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Wilts* and *Somerset*, or either of them, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; nor for any Horse or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for any Horse or Carriage belonging to His Majesty or any of the Royal Family, or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts drawing any Waggon, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, and convey, 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 and wounded or disabled Officers or Soldiers, or for any Horse or Horses or other Cattle drawing any Waggon, Cart, or other Carriage, which shall be employed in conveying any Ordnance or Barrack or Commissariat or other public Stores

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of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning after having been ſo employed; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, (provided ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulations of ſuch Corps at the Time of his claiming ſuch Exemption); nor for any Horſes or Carriages travelling with Vagrants ſent by legal Paſſes, or Priſoners ſent to Gaol or the Houſe of Correction, or returning after being ſo employed; nor ſhall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, 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 from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon who ſhall die and be buried in any of the Townſhips or Pariſhes through which the ſaid Road or any Part thereof doth lead: And if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

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

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

Truſtees may leaſe the Tolls.

XXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall be and are hereby authorized and empowered, after giving Twenty-one Days Notice thereof in one or more of the Newſpapers publiſhed in the City of *Bath*, and alſo in Writing to be affixed upon the Turnpike Gates, the Tolls whereof are 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, and alſo the additional Tolls for Overweight to be collected or received at ſuch Gate, for any Term not exceeding Three Years at any one Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Times, to ſuch Perſon or Perſons, under ſuch Conditions and Agreements, Covenants and Reſtrictions, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees or any Five or more of them ſhall think

think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are under this Act directed to be applied, any Law or Statute to the contrary thereof notwithstanding; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem more 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 Bidding or Biddings for the said Tolls, either by themselves or their respective Clerk or Clerks or Treasurer, or other Person by them authorized, any Thing in any Law or Statute to the contrary notwithstanding.

Lessees, or Persons appointed by them, may collect the Tolls.

XXX. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Enabling Trustees to take Possession of Toll Houses in case of Non-performance of the Terms of the Lease.

XXXI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for 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 County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, 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 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 or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Machine, 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, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person 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 Demiſe of the ſaid Tolls, or 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 other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

To prevent evading Tolls.

XXXII. And be it further enacted, That if any Perſon ſhall, with any Horſe, Cattle, Beaſt or Carriage, paſs through any Land or Ground, not being the Owner or Occupier thereof, or any of his, her, or their Family, or Servant or Servants, lying near any Turnpike already erected, or which ſhall be erected by virtue of this Act, the ſame not being a public Highway; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons, not being any of his, her, or their Family or Servants, with any Horſe, Cattle, Beaſt or Carriage whatſoever, to paſs through the ſame with Intent to evade the Payment of the ſaid Tolls or any of them; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given, with Intent to evade the Payment of the ſaid Tolls or any of them; or if any Perſon or Perſons ſhall forcibly or wilfully paſs through any ſuch Turnpike with any Horſe or other Cattle or Beaſt, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt or Cattle from any Carriage, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road, any Carriage, Horſe, Cattle or Beaſt, with Intent to evade the Payment of any of the ſaid Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may leſſen the Tolls, and raiſe them again.

XXXIII. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, at any Meeting to be held for that Purpoſe, whereof Fourteen Days Notice ſhall be affixed in Writing upon all the Turnpike Gates erected by virtue of the ſaid former Acts or of this Act, may and are hereby empowered from Time to Time to reduce all or any of the ſeveral Tolls hereby granted, and to order ſuch Tolls ſo reduced to be collected and received, in ſuch Manner, Parts, and Proportions as they ſhall think fit, and to raiſe the ſame again or any Part thereof, ſo as the ſame do not exceed the reſpective Rates by this Act granted; and ſuch Tolls ſo reduced or raiſed again, ſhall be levied, collected, recovered, paid and applied, in the ſame Manner as the Tolls herein-before granted are directed to be levied, collected, recovered, paid and applied: Provided always, that ſuch Tolls ſhall not be leſſened or reduced without the Conſent in Writing of the Perſon or Perſons who ſhall or may be entitled to Five-ſixth Parts of the Money remaining due upon the Credit of the ſaid Tolls.

XXXIV. And

Toll Houſes, &c. veſted in Truſtees.

XXXIV. And be it further enacted, That the Right, Intereſt, and Property of and in all the Turnpikes and Toll Houſes and other Buildings erected by virtue of the ſaid recited Acts, or to be erected or provided in purſuance of this Act, with the ſeveral Conveniencies and Appurtenances thereunto reſpectively belonging, and of the Materials for building the ſame, and alſo of all Rails, Poſts, and Fences which ſhall belong to the ſaid Road, and alſo of all Tools, Implements, Stones, Gravel, Sand, and other Materials, now purchaſed, gotten, or had, or hereafter to be purchaſed, gotten, or had, for amending, repairing, and improving the ſaid Road, ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and they are hereby empowered to ſell, aſſign, transfer, apply and diſpoſe of the ſame as Occaſion ſhall require; and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure or damage any of the ſaid Toll Gates or Turnpikes and Toll Houſes, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforeſaid, or who ſhall do any Act to hinder or obſtruct the ſaid Truſtees, or any Perſon or Perſons employed by them, in the Execution of this Act; and in any ſuch Action, Indictment, or other Proceeding for the Purpoſes aforeſaid, it ſhall be ſufficient to ſtate generally, that any Toll Gates or Turnpikes and Toll Houſes, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Clerk or Clerks for the Time being to the ſaid Truſtees.

Application of the Money for paying Expences of the Act.

XXXV. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing this Act, ſhall be paid and diſcharged by the ſaid Truſtees out of any Money already collected or received under or by virtue of the ſaid recited Acts, or out of the Firſt Money which ſhall be collected under or by virtue of the Powers of this Act; and that until ſufficient Monies can be collected under ſuch Powers, it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, to borrow and take up at Intereſt a ſufficient Sum or Sums of Money to pay the Expences of obtaining and paſſing this Act, and to grant and aſſign unto the Perſon or Perſons advancing the ſame, and to his, her, or their Executors, Adminiſtrators, and Aſſigns, all and every the Tolls ariſing or to ariſe by virtue of this Act, and the Turnpikes and Toll Houſes for collecting the ſaid Tolls, for the Term of Twenty-one Year by this Act granted, or for the then Reſidue thereof; and which ſaid Mortgage or Mortgages ſhall have Priority and Preference over every other Aſſignment or Mortgage of the Tolls ſubſiſting at the Time of paſſing this Act, and ſhall not be redeemed or redeemable until the whole principal Sum and Sums of Money thereby ſecured, and all the Intereſt to grow due thereon, ſhall be fully paid and ſatisfied; and the Expence of preparing all ſuch Mortgage or Mortgages ſhall be paid by the ſaid Truſtees out of the ſaid Tolls.

For aſſigning the Tolls.

XXXVI. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, at any Meeting to be held for that Purpoſe (whereof Fourteen Days Notice ſhall be given in Writing, to be affixed upon all the Turnpike Gates erected by virtue of the ſaid former Acts, or to be erected under or by virtue of this Act), may and they are

are hereby empowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any Part of the Tolls to be collected and levied at the ſaid Turnpikes already erected or to be erected by virtue of this Act (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees, or any Nine or more of them, upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance and lend the ſame, by the following Words of Aſſignment under their Hands and Seals, or by any Words to the following Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] in conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act in Execution, having been this Day paid by *C. D.* of we, whoſe Hands and Seals are hereunto ſubſcribed and ſet, being Nine of the ſaid Truſtees, do grant and aſſign unto the ſaid his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing or to ariſe upon the Road in the ſaid Act mentioned, and of the Turnpikes and Toll Houſes for collecting the ſaid Tolls, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit of the ſaid Tolls, or charged thereupon, for the Term of the ſaid Act, to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Toll Houſes and Premiſes, with the Appurtenances, unto the ſaid his Executors, Adminiſtrators, and Aſſigns, for the Reſidue or Remainder now to come of the Term of Years for which the Tolls are granted by the ſaid Act, ſubject to the Proviſo following; (that is to ſay), provided always, that if the ſaid Sum of ſhall be repaid to the ſaid his Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame after the Rate of *per Centum per Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full Force. In witneſs whereof we have hereunto ſet our Hands and Seals this Day of One thouſand eight hundred and .'

Aſſignments to be entered in Books.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes in or upon the ſaid Road, at leaſt Twenty Days before the borrowing thereof; and all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch

Security, before One credible Witneſs, the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I, the within named *A. B.*, or I, *C. D.* Aſſignee, Executor, or Adminiſtrator of the within named *A. B.* [*as the Caſe may happen to be,*] do transfer the within Mortgage, with all my Right and Title to the principal Money thereby ſecured, and to all Intereſt now due and hereafter to become due thereon, unto his [*or* her] Executors, Adminiſtrators, and Aſſigns. Dated this Day of One thouſand eight hundred and

Witneſs to the ſigning hereof, *A. B.*'

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments, for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees, or any Nine or more of them, ſhall appoint, not exceeding the Sum of Five Shillings; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; which ſaid Money ſo borrowed ſhall (after paying the Expences of procuring this preſent Act) be applied and diſpoſed of for the Purpoſes of this Act, according to the true Intent and Meaning thereof, and to no other Uſe or Purpoſe whatſoever.

Power to cancel old Mortgages, and give new ones;

and in the meantime ſubſiſting Mortgages to be valid.

XXXVII. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages now ſubſiſting, that were made by virtue of the ſaid recited Acts or either of them, on the ſaid Tolls, and give and execute another Mortgage or other Mortgages inſtead and in lieu thereof reſpectively, in Manner and transferrable as herein-before is mentioned; and that until ſuch other Mortgage or Mortgages ſhall be made as aforeſaid, all ſuch ſubſiſting Mortgage or Mortgages ſhall (ſubject to the Priority and Preference hereby given as aforeſaid) be good, valid, and effectual Securities upon the ſaid Tolls, for the Principal and Intereſt Monies due and to grow due thereon reſpectively.

An Action of Ejectment may be ſupported by One Mortgagee.

XXXVIII. 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 Premiſes *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

XXXIX. And

Surveyors may dig for Gravel.

XXXIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors now appointed, or hereafter to be appointed by virtue of this Act, and ſuch Perſons as he or they or any Five or more of the ſaid Truſtees ſhall appoint, to dig, gather and take away, or ſearch for, any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Road, in, from, or out of any common River or Brook, or any Commons or Waſte Grounds, in any Pariſh, Town, Village, or Hamlet in which any Part of the ſaid Road doth lie, without paying any Thing for ſuch Materials; ſuch Surveyor or Surveyors levelling or cauſing to be levelled all ſuch Holes and Pits, or otherwiſe to be railed or fenced off, where and from whence any of ſuch Materials ſhall be dug, gathered, or taken away, in ſuch Manner as that the ſame ſhall not be dangerous to any Cattle or Travellers, and paying for the Damages done by landing; and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors firſt having an Order in Writing made by any Two or more Juſtices of the Peace for the County where ſuch Lands ſhall lie or be ſituate, upon the Application of the ſaid Truſtees, or any Five or more of them, for that Purpoſe) to ſearch for, dig, gather, and take away ſuch Materials out of the ſeveral Grounds of any Perſon or Perſons, (not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground incloſed, planted, and ſet apart as a Nurſery for Trees), paying ſuch Rates for ſuch Materials, and for Damage done to the Owners or Occupiers of ſuch Ground where and from whence the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace for the County where ſuch Lands ſhall lie, ſhall and may adjudge and determine the ſame: Provided always, that nothing herein contained ſhall extend to authorize or empower the ſaid Truſtees, or any Surveyor or Surveyors, or any other Perſon to be employed in the Execution of this Act, to take or remove any Stones which are or ſhall be placed or fixed for preſerving or ſupporting the Banks of any River or Brook whatſoever.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupier.

XL. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any ſuch Surveyors, or any other Perſon or Perſons under the Authority of this Act, to dig, get, or gather, or to take and carry away Materials for repairing the ſaid Road, in or from any incloſed Lands or Grounds until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before Two Juſtices of the Peace acting for the County where ſuch Lands are ſituated, to ſhow Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtices ſhall, if they think meet, authorize ſuch Surveyor or other Perſon to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear, by himſelf or his Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

XLI. And

Penalty on taking away Materials got by the Surveyors.

XLI. And be it further enacted, That if any Perſon whomſoever ſhall take or carry away any Stones or other Materials which ſhall have been dug or gathered for the Purpoſe of making, repairing, completing or amending the ſaid Road or any Part thereof, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having an Order from any Five or more of the ſaid Truſtees for that Purpoſe), to remove and prevent all Annoyances on any Part of the ſaid Road, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe; and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of the ſaid Road, to the Prejudice thereof; and to open, ſcour, or cleanſe any ſuch Watercourſes, Sinks, or Drains, or any Watercourſes or Ditches adjoining to the ſaid Road, and make the ſame as deep and as large as he or they ſhall think proper and neceſſary; and at proper Seaſons of the Year to cut down, lop, and top any Trees or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjoining thereto (not growing in any Park, Avenue, Plantation, or Garden, Orchard, Yard, or Paddock, or being a Shelter or an Ornament to an Houſe), and to take and carry away ſuch Trees (not being Timber Trees) or Buſhes as aforeſaid, in caſe the Owners or Occupiers of the Premiſes ſhall neglect to cut down, lop, or top ſuch Trees or Buſhes, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or to remove ſuch other Annoyances, for the Space of Twenty-one Days next after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them), ſhall be reimburſed the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers, the ſame to be recovered in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like kind, every ſuch Perſon ſhall for every ſuch Offence forfeit unto the ſaid Truſtees any Sum not exceeding Forty Shillings.

To prevent cutting down Timber Trees.

XLIII. Provided always, and be it further enacted, That nothing herein contained ſhall authorize the ſaid Truſtees, or any Perſon or Perſons whatſoever, to cut down, lop, or top any Timber Trees growing in or on the Sides of any Part of the ſaid Road, without the Conſent of Two or more Juſtices of the Peace for the County wherein ſuch Timber Trees ſhall ſtand and be growing, acting in their Petty Seſſions, ſignified under their Hands and Seals, firſt had and obtained for that Purpoſe; any Thing herein contained to the contrary notwithſtanding.

Surveyors may make Cauſeways, Drains, &c.

XLIV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of

of them, to make or cauſe to be made Cauſeways and Drains in and upon the ſaid Road, and to erect Arches and Bridges in, upon, under, or over the ſame, and alſo to make Ditches and Drains through any Grounds lying contiguous thereto, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe), making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Grounds reſpectively through which any ſuch Drain ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees or any Five or more of them; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall and may be lawful for any Two Juſtices of the Peace for the County wherein the Matters in Diſpute ſhall ariſe, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Truſtees may contract for repairing the Road.

XLV. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for the making, repairing, widening, altering, turning or amending the Road by this Act directed to be repaired, or any Part or Parts thereof, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Nine or more of them, ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to an Order made at any Meeting by the ſaid Truſtees, or any Nine or more of them, ſhall be binding to and upon all Parties who ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Truſtees may contract for the Purchaſe of Lands.

XLVI. And be it further enacted, That the ſaid Truſtees or any Five or more of them, are hereby authorized and empowered, at any Time or Times during the Continuance of this Act (in caſe they ſhall think proper), to widen, turn, or alter the Courſe of the ſaid Road, or any Part or Parts thereof, and to make any new and additional Road or Roads contiguous or near to the ſaid Road by this Act directed to be repaired or amended, for the better Accommodation of Coaches, Carriages, and Travellers, and for that Purpoſe they the ſaid Truſtees, or any Five or more of them, ſhall have full Power and Authority, from Time to Time during the Continuance of this Act, to treat, contract, and agree with the ſeveral Owners, Proprietors, Occupiers of and Perſons intereſted in any Lands, Grounds, or Hereditaments lying contiguous or near to any Road or Roads ſo to be widened, turned, or altered, or through or over which any new Road or Roads ſhall be made, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers of, and Perſons ſo intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning, or altering any ſuch Road or Roads, or any Part or Parts thereof, or by making any ſuch new and additional Road or Roads as aforeſaid; and out of the Tolls and Duties by this Act granted, and out of any Monies to be borrowed on the Credit of this Act, to pay for ſuch Lands, Grounds, and Hereditaments, and for ſuch Loſs and Damage, ſuch Sum and Sums of Money as ſhall be agreed upon between the Owners, Proprietors, Occupiers, and

Perſons intereſted as aforeſaid, and the ſaid Truſtees or any Five or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

Reſtraining Truſtees from deviating more than 100 Yards from the Line of Road, without Conſent, &c.

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

How incapacitated Perſons may treat,

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on Behalf of any Infants, Femes Covert or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be or require; and all Contracts and Agreements, Sales and Conveyances which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians and Truſtees, Corporations Aggregate and Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Perſons neglecting to treat for the Sale of ſuch Lands.

XLIX. And be it further enacted, That if any ſuch Owner, Occupier, Proprietor, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, or other Perſon or Perſons intereſted in any Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, or at the Houſe of the Tenant or Tenants in Poſſeſſion of the Lands, Grounds, or Hereditaments ſo to be taken in and added to the ſaid Road, or into which ſuch Road is to be turned or altered, or through or over which ſuch new and additional Road ſhall be made as aforeſaid, ſhall by the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence, ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which ſuch Lands, Grounds, or Hereditaments ſhall be ſituate (which Oaths any Five or more of the ſaid Truſtees are

Perſons intereſted as aforeſaid, and the ſaid Truſtees or any Five or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

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How incapacitated Perſons may treat,

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on Behalf of any Infants, Femes Covert or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree with the ſaid Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be or require; and all Contracts and Agreements, Sales and Conveyances which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, Guardians and Truſtees, Corporations Aggregate and Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Perſons neglecting to treat for the Sale of ſuch Lands.

XLIX. And be it further enacted, That if any ſuch Owner, Occupier, Proprietor, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Committees of Lunatics and Idiots, Executors, Adminiſtrators, or other Perſon or Perſons intereſted in any Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, or at the Houſe of the Tenant or Tenants in Poſſeſſion of the Lands, Grounds, or Hereditaments ſo to be taken in and added to the ſaid Road, or into which ſuch Road is to be turned or altered, or through or over which ſuch new and additional Road ſhall be made as aforeſaid, ſhall by the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence, ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which ſuch Lands, Grounds, or Hereditaments ſhall be ſituate (which Oaths any Five or more of the ſaid Truſtees are

hereby empowered and required to adminiſter), what Damages ſhall be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted as aforeſaid, for or upon account of the taking of ſuch Lands, Grounds, or Hereditaments into the ſaid Road, or of turning ſuch Road into, or of making ſuch new Road over the ſame; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury and examine upon Oath all and every Perſon and Perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any Five or more of the ſaid Truſtees are hereby empowered and directed to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in queſtion (if there ſhall be Occaſion), and uſe all other lawful Ways and Means as well for their own as for the ſaid Jury's better Information in the Premiſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid by the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order or Determination, ſo had and made, ſhall be filed with the Clerk of the Peace at the then next General Quarter Seſſions for the County in which ſuch Lands, Grounds, or Hereditaments ſhall be ſituate, and ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Idiots, Lunatics, and Perſons under any other Diſabilities whatſoever, Bodies Politic, Corporate or Collegiate, as well as all and every other Perſon or Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons anyways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame, and the ſame ſhall from thenceforth be veſted in the ſaid Truſtees and their Succeſſors, and be deemed Part of the ſaid Road; and for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue out a Warrant or Warrants to the Sheriff of the County in which ſuch Lands, Grounds, or Hereditaments ſhall be ſituate, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons or more, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and the ſaid Sheriff or his Deputy or Deputies is or are hereby required to impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve.

L. Provided

Jurors may be challenged.

L. Provided always, and be it further enacted, That all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiff or Agents, making Default in the Premiſes, and on any Perſon or Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe or neglect to give their Verdict, or in any Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum of Money for his, her, or their Coſts and Expences, or appearing, ſhall refuſe to be examined and give Evidence; and from Time to Time to levy ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is hereby directed to be levied, ſo as no ſuch Fine ſhall exceed the Sum of Twenty Pounds upon any one Perſon for one Offence; and that all ſuch Fines ſhall be applied for ſuch Uſes and in ſuch Manner as the Tolls granted by this Act are directed to be applied.

Expences of the Jury and Witneſſes by whom to be borne.

LI. And be it further enacted, That in caſe any Jury ſhall give in a Verdict for more Monies, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any ſuch Loſs or Damage to be by them ſuſtained, than what ſhall have been offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the Jury, as a Recompence for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences attending the deciding the ſame by ſuch Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees, out of the Money to be raiſed by virtue of this Act; but if ſuch Jury ſhall give a Verdict for no more or for leſs Monies than ſhall have been offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence for any ſuch Right and Intereſt, or Property in, or Loſs or Damage as aforeſaid, that then the Coſts and Expences attending the deciding the ſame by ſuch Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons to whom ſuch Lands or Hereditaments ſhall belong: Provided always, that where by reaſon of Abſence any Perſon or Perſons ſhall be prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the whole of ſuch Expences ſhall be paid by the ſaid Truſtees out of the ſaid Tolls, or out of any Money to be borrowed on the Credit thereof, or of this Act.

Truſtees empowered to ſell Ground, &c. not wanted for the Purpoſes of this Act.

LII. And whereas by reaſon of the diverting, altering, or turning the ſaid Road, or by reaſon of the Purchaſes which the ſaid Truſtees have already made by virtue of the ſaid recited Acts, or which they are hereby empowered to make by virtue of this Act, the ſaid Truſtees are now or may hereafter happen to be ſeized of the Ground or Soil which formed the Road already or hereafter to be diverted, altered or turned, or of ſome Piece or Pieces of Ground over and above what may be neceſſary for effectuating the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them,

to

to ſell and diſpoſe of ſuch Grounds or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame, and by Indentures of Leaſe and Releaſe to grant and convey the ſame to ſuch Purchaſer or Purchaſers, and his, her, or their Heirs, Appointees, and Aſſigns for ever.

Perſons whoſe Lands adjoin to have the Preference.

LIII. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſo ſell or diſpoſe of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or ſuch Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act, ſhall firſt offer to ſell or re-ſell the ſame (as the Caſe may happen to be), to the Perſon or Perſons who ſhall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on both Sides of ſuch diverted Road, or the Perſon or Perſons from whom ſuch Piece or Pieces of Ground ſhall have been purchaſed (as the Caſe may be); and in caſe the Owner or Owners of the ſaid Lands, Tenements, and Hereditaments on both Sides of the ſaid diverted Road, or the Perſon or Perſons from whom ſuch Piece or Pieces of Ground have been ſo purchaſed, ſhall refuſe to purchaſe or re-purchaſe the ſame (as the Caſe may happen to be), an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County or Place in which ſuch diverted Road, or Piece or Pieces of Ground ſhall lie (who is hereby required to take ſuch Affidavit), by ſome Perſon or Perſons noways intereſted in the Premiſes, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom it was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the Ground or Soil of ſuch diverted Road, or of re-purchaſing ſuch Piece or Pieces of Ground ſo directed to be ſold by virtue of this Act, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, then and in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, or any Five or more of them, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch diverted Road, Piece or Pieces of Ground as aforeſaid, ſhall be applied to and for the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Recompence how to be charged and tendered.

LIV. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence or Satisfaction, to be agreed for, aſcertained or aſſeſſed as aforeſaid, ſhall be and is hereby charged and chargeable upon the Monies which ſhall be raiſed, received, or borrowed by

by virtue of this Act, and ſhall be paid thereout accordingly to the Perſons reſpectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or upon Payment of the ſame into the Bank in Manner herein-after mentioned, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen or Agents, to take into and add to the ſaid Road, or to make any new and additional Road or Roads over and through ſuch Grounds, Lands, and Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees or any Five or more of them ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforeſaid, ſuch Lands, Grounds, and Hereditaments ſhall be laid into or added to and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall order and direct, and ſhall be by them, or ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe; and after ſuch draining, ditching, fencing, and ſetting out, the ſaid Lands, Grounds, or Hereditaments ſhall to all Intents whatſoever become and be deemed and taken to be a public and common Highway, and be from thenceforth deemed to be Part of the ſaid Road for ever after, and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all reſpects, as the old Road lying near or adjoining to any ſuch new or additional Road or Roads is and ought to be kept in Repair.

Not to damage any Houſe, &c.

**LV.** Provided always, and it is hereby enacted and declared, That the Power and Authority given to the ſaid Truſtees as aforeſaid, ſhall not extend to the pulling or taking down any Dwelling Houſe or other Building, or taking in the Scite of any Houſe or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, any Thing herein contained to the contrary notwithſtanding.

Bargains and Sales for conveying Lands in Wilts, to be enrolled at the Seſſions.

**LVI.** And be it further enacted, That a Bargain and Sale to be enrolled by the Clerk of the Peace at the General Quarter Seſſions for the ſaid County of *Wilts*, purſuant to the Statute made in the Twenty-ſeventh Year of the Reign of King *Henry* the Eighth, for Enrolment of Bargains and Sales, ſhall be ſufficient and effectual for conveying all ſuch Lands and Premiſes lying and being in the ſaid County of *Wilts*, and the Intereſt of all ſuch Perſons therein, to the ſaid Truſtees and their Succeſſors, without any Fine or Recovery, notwithſtanding any Coverture, Title of Dower, Settlement or Limitation of ſuch Lands and Premiſes in Jointure, Tail, Reverſion, Remainder, or otherwiſe howſoever.

Bargains and Sales for conveying Lands in Somerſet, to be enrolled at the Seſſions.

**LVII.** And be it further enacted, That a Bargain and Sale to be enrolled by the Clerk of the Peace at the General Quarter Seſſions for the ſaid County of *Somerſet*, purſuant to the ſaid Statute made in the Twenty-ſeventh Year of the Reign of King *Henry* the Eighth, for Enrolment of Bargains and Sales, ſhall be ſufficient and effectual for conveying all ſuch Lands and Premiſes lying and being in the ſaid County of *Somerſet*, and the Intereſt of all ſuch Perſons therein, to the ſaid Truſtees and their Succeſſors, without any Fine or Recovery, notwithſtanding any Coverture, Title of Dower, Settlement or Limitation of ſuch

Lands and Premiſes in Jointure, Tail, Reverſion, Remainder, or otherwiſe howſoever.

Application of Compenſation, where exceeding 200 l.

LVIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes aforeſaid, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as herein mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Truſtees for executing this Act, or any Five or more of them, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Meſſuages, 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 Conveyances and Settlements 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 Court upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200l. nor leſs than 20 l.

LIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for

for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſes 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, 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 by Five or more of the Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Money is leſs than 20*l.*

LX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as herein-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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, as the ſaid Truſtees ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Motion or Petition.

LXI. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money, ſo awarded to be paid into the Bank of *England* in the Name and with the Privity of the ſaid Accountant General, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, (deſcribing them), ſubject to the Order, Controul, or Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate and Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of

of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

LXII. 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 ſaid Accountant General in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, 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 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 or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court, and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Monies, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LXIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of any Perſon or Perſons or Corporation entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sum of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to repair Roads to continue ſo.

LXIV. And be it further enacted, That all Bodies Politic and Corporate, whether Sole or Aggregate, and all Perſons, who by reaſon of the Tenure of their Lands, or any Charge thereon, or by any Law, Cuſtom or Uſage, or otherwiſe, are or ſhall be excluſively and ſpecially liable to the Repair, or to contribute to the Repair, or to pay any Sum of Money towards the Repairs of any Part of the ſaid Road, or any Bridge, Cauſeway, Drain, Arch, or Sewer therein, ſhall, notwithſtanding this Act, ſtill remain liable and chargeable to ſuch Contribution and Payment, in ſuch Manner as they were before the paſſing of this Act; and that ſubject thereto the Inhabitants of the ſeveral Townſhips through which the ſaid Road doth paſs, ſhall and they are hereby declared to be chargeable with and liable to the Repair of ſuch Parts of the ſaid Road as are within the ſaid reſpective Townſhips.

Statute Labour

LXV. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place where the ſaid Road

Road is ſituate (within their own Juriſdiction) and they are hereby empowered and required (upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſaid Road or any Part thereof doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place, either as a Highway Rate or Aſſeſſment, or as a Compoſition for ſuch Statute Work, ſhall be by him, her, or them paid to the ſaid Truſtees; and in order thereto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place to bring in Liſts before ſuch Juſtices (within Twenty Days after the ſerving of ſuch Summons, either perſonally or by leaving the ſame at his, her, or their Dwelling Houſe or Dwelling Houſes), of the Names of the ſeveral Perſons who within ſuch Townſhips, Pariſhes, or Places are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Highway Rate or Aſſeſſment, or any Money as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature and Quantity of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons therein ſtated as liable to do Statute Work, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done by ſuch Perſons on ſuch Days, at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the ſeveral Perſons, who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Highway Rate or Aſſeſſment, or any Money as a Compoſition for Statute Work, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to be by him or them paid to the Surveyor or Surveyors of the Highways of ſuch Pariſhes, Townſhips, or Places reſpectively, and to be by him or them paid over to the ſaid Truſtees, or to their Treaſurer, at ſuch Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons charged therewith, in like Manner as any Penalty is by this Act authorized to be recovered; and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Reſidence, for that Purpoſe, ſigned by the Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer, Team, Draught Horſe or Beaſt to be provided by him, her, or them, be ſubject and liable to ſuch Penalties and Forfeitures as ſuch Perſon may for ſuch Offence be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon or Perſons who ſhall

be so found idle or negligent as aforesaid; and in that case the Person or Persons sending such Labourer shall be subject and liable to the respective Penalties and Forfeitures above-mentioned, as if he had refused or neglected to send such Team or Draught to work on the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Townships, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to compound for Statute Labour.

LXVI. Provided always, and be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees and Committees of Lands, Tenements, or Hereditaments, which are or shall be exclusively and specially liable to or charged with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer therein, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, by and with the Consent of a Majority of the Inhabitants of such Townships, first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them expended and paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

Roads to be measured and Mile Stones erected.

LXVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, where the same is not already done, cause the said Road to be measured, and Stones or Posts to be placed and set up in or near the Sides of the said Road, at the Distance of One Mile from each other, with Inscriptions denoting the Distance of every such Stone or Post from any Town or Place; and also set up and place, or cause to be set up and placed, Guide and Direction Posts where the same shall be thought necessary by the said Trustees, or any Five or more of them; and if any Person or Persons shall wilfully pull up or damage any of such Stones or Posts, or any Guide or Direction Posts already erected or to be erected on the said Road, or on the Side or Sides thereof, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be respectively inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of one credible Witness, before one or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed (which Oath the said Justice or Justices is and are hereby empowered to administer), every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Gates to open inwards.

LXVIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or any Footpath belonging thereto, or

or be ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Road; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening outwards, contrary to the Meaning of this Act, ſhall within Twenty Days after Notice to him, her, or them given, either perſonally or in Writing from the Surveyor of the ſaid Road (which Notice ſuch Surveyor is hereby authorized, empowered, and required to give), cauſe ſuch Gate to be hung ſo that the ſame ſhall open inward, and not ſwing towards the ſaid Road (whenever the ſame ſhall be practicable), but in every Caſe in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Road, or any Footpath belonging thereto; and in default thereof the Surveyor of the ſaid Road is hereby authorized to cauſe the Gate to be hung according to the Intention of this Act; and the Perſon or Perſons guilty of ſuch Neglect or Default, ſhall upon Complaint made to any Juſtice or Juſtices of the Peace, acting in and for the County or Place where ſuch Neglect ſhall appear, and upon Conviction upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration and hanging ſuch Gate, and ſhall alſo forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made.

Penalty on drawing Timber, &c. but on Wheel Carriages.

LXIX. And be it further enacted, That if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Puniſhing Perſons riding on Footways, &c.

LXX. And be it further enacted, That if any Perſon or Perſons, or his or their Servant or Servants ſhall put, place, ride, drive, or lead, or cauſe to be put, placed, rode, driven or led, any Horſe, Cattle, or Beaſt, or drive any Wheelbarrow on any Footway, Cauſeway, Path, or Pavement adjoining to or made on the Side of or upon the ſaid Road, or cauſe any Damage to be done to any ſuch Footway, Cauſeway, Path, or Pavement, other than in Caſes of unavoidable Neceſſity; or if any Perſon or Perſons ſhall ſlaughter, burn, or dreſs any Animal in or adjoining the ſaid Road, or any ſuch Footway, Cauſeway, Path or Pavement; or if any Perſon or Perſons driving any Pigs or Swine upon the ſaid Road ſhall ſuffer them to root up or damage the ſame, or the Fences on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Horſe, Cattle, Swine, or other Beaſt to be and remain looſe or graze on the ſaid Road or any Part thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road, and alſo keep on the ſame Side himſelf or herſelf; or if any Perſon driving any Waggon, Cart, or other ſuch like Carriage ſhall ride on the Shafts or other Part of ſuch Waggon, Cart or Carriage, or on any of the Horſes drawing the ſame upon any Part of the ſaid Road; or if any Perſon driving any Coach, Chaiſe, or other

other such like Carriage upon the said Road shall drive the same without holding the Reins; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Road, (except in Cases of Accident or other reasonable Excuse, to be allowed by the Justice or Justices of the Peace before whom he, she, or they shall be summoned in order to his, her, or their Conviction, and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of such Road as conveniently may be), either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football on any Part or Parts of the said Road, or within Fifty Yards from the same; or shall lay, place, or throw, or permit or suffer to be laid, placed, or thrown, any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, Ashes, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Person or Persons travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For securing transient Offenders.

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

Penalties and Forfeitures how to be recovered and applied.

LXXII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer without Fee or Reward); and such Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted), shall be paid (if not otherwise directed to be applied by this Act) One Half to the Informer or Informers, and the other Half to the Treasurer or Surveyor

of the ſaid Road, to be applied towards the Repair of the ſaid Road; and if ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for ſuch Juſtice or Juſtices to commit every ſuch Offender to the Common Gaol or Houſe of Correction within the County where ſuch Offence ſhall be committed; there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Forfeitures and all reaſonable Charges ſhall be ſooner paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXIII. Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Act, Order, or Judgment of any Juſtice or Juſtices of the Peace which ſhall by him or them be made, done, or awarded in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall be lawful for ſuch Perſon to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be held in and for the County or Place where the Matter or Thing for or by reaſon of which ſuch Act, Order, or Judgment ſhall be ſo done, made, or awarded, is ſituated, or in caſe the ſaid Cauſe of Complaint ſhall ariſe within Twenty Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to the ſaid Juſtices at the Second General Quarter Seſſions of the Peace to be held for the ſaid County or Place, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon in a ſummary Way, and if they ſee cauſe, may by Order of ſuch Seſſions mitigate, at their Diſcretion, all or any of the Penalties aforeſaid, or vacate and ſet aſide the Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts to the Parties appealing or appealed againſt, as to them ſhall ſeem juſt and reaſonable, and to make ſuch Orders and Judgments in regard to the Premiſes as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice in Writing to the ſaid Treaſurer or Treaſurers of ſuch his or her Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Fourteen Days before the ſaid Quarter Seſſions.

Orders not to be quaſhed for Want of Form.

LXXIV. Provided alſo, and be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceeding to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Conviction of Offenders.

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

Form of Conviction.

'  to wit. } BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the ſaid County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed,*

'*as the Caſe ſhall be.*] Given under our Hands and Seals the Day and 'Year aforeſaid.'

Limitation of Actions.

LXXVI. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in any 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 ſo to have been done, or that ſuch Action or Suit ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Double Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Double Coſts.

Public Act.

LXXVII. 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 this Act.

LXXVIII. And be it further enacted, That this Act ſhall commence on the paſſing thereof, and ſhall continue and be in force and be executed thenceforth 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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