Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening several Roads in the Counties of *Dorset* and *Devon*, leading to and through the Borough of *Lyme Regis*.

WHEREAS the Roads leading from the Alms-house, at the West End of the Parish of Charmouth, in the County of Dorset, through the Borough of Lyme Regis, in the same County, and through the several Parishes, Villages, or Hamlets, and Places following; to wit, Uplyme, Axmouth, Cullifford, Seaton; and by Hangman's Stone, to the East End of a Lane called Radice, otherwise Viny Lane; and from thence by or through Trowe, and through Sidford, Sidmouth, Hartford, and Newton Poppleford, to the Western Side of Aylesbear Hill, in the County of Devon, at the Place where the Turnpike Road from the City of Exeter terminates; Preamble.

minates; and from the East End of Radice, otherwise Viny Lane, through the same Lane, to, through, and by, the several Places following; to wit, Buttlesis, Roncombs Gurt, and the Town of Saint Mary Ottery, to the Way Post, in the Parish of Whimple, in the Road leading to the City of Exeter; and branching from the said Road in the said Town of Saint Mary Ottery, by Fair Mile Inn, to Straightway Head, otherwise Stretwood Head, in the said Parish of Whimple, in the said County of Devon; and at and from the Borough of Lyme Regis aforesaid, through the Parish of Uplyme, to the Way Stone beyond Uplyme Hill, in the same Parish, are in a very ruinous Condition, and in several Places very incommodious and narrow; and the said Roads cannot be effectually repaired and widened by the ordinary Course appointed by the Laws in being; 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 Sir Richard Warwick Bampfylde, Sir William Courtenay, Sir Francis Henry Drake, Sir Stafford Northcote, Sir John Prideaux, Sir John Pole, Sir George Trevelyan, Sir George Yonge, Baronets; Anstis, Joseph Banks, John Bidgood, Richard Bennet, Richard Brodrip, Thomas Bishop, William Churchill, Richard Coppleston, Robert Fowler Coade, John Damer, Thomas Rose Drewe, Thomas Fane, Henry Fane, John Fane, Henry Fane junior, James Frampton, William Guise junior, James Gayer, Thomas Gollop, Southcote Hallett, Richard Hallett, Henry Cornish Henley, Charles Henvil, George Hunt, Robert Henley, Weeks Hole, Warren Lisle, Harry Meggs, Thomas Meech, William Oke, Jonathan Penny, John Frederick Pinney, Azariah Pinney, George Pitt, John Pitt, William Pitt, Ambrose Rhodes, Ambrose Rhodes junior, Thomas Ryves, William Richards junior, Humphry Sturt, Robert Stuckey, John Stuckey, Thomas Strode, John Sweet, Richard Stone, Richard Symes, John Tucker of Nash, John Tucker of Weymouth, Jonathan Taylor, William Piere Williams, John Rolle Walter, Nicholas Warren, William Walrond, Samuel Warren of Lyme, Esquires; the Reverend George Anstis, Hugh Bennet, Richard Blake, George Bradford, George Burt, Samuel Basket, George Cooke, John Coward, William Coombe, John Colson, John Cooper, Davis Colmer, James Davies, Philobeth Domet, Christopher Ewings, Edward Falconer, John Anthony Foot, James Gayer, John Guppy, William Grove, John Gibbs, Henry Hooton, Richard

Trustees Names.

Richard Holme, John Harris, John Hubbock, James Harris, William Jenkins, Thomas Lee, John Lovelace, Richard Marker, Henry Marker, Matthew Mundy, Matthew Mundy junior, Daniel Newcombe, George Oſborne, Joſeph Paul, Joſeph Paul junior, William Putt, Richard Richards, Benjamin Symes, Carolus Salter, William Salter, Maximilian Wolcott, and William Maſterman, Clerks; John Ayſhford, William Adams, Benjamin Adney junior, Abraham Akerman, Benjamin Bradford, Coppleſtone Bradford, Edward Burd, Richard Burd, Thomas Baſtone, William Braddick, William Bartlett, John Baker, Joſeph Brown, John Benger, Robert Bartlett, William Biſhop, Thomas Biſhop, William Bryer, James Brooke, Morgan Balſtone, James Burt, John Light Banger, Robert Bridge, Samuel Bull, George Brown, John Beſt, Peter Bettiſcombe, William Brown, Robert Bryant junior, Thomas Banger, William Carſlake of Beer, Henry Carſlake, William Carſlake of Branſcombe, Samuel Cawley, Oliver Cawley, George Coade, John Coade, Samuel Coade, Giles Churchill, Robert Chick, Henry Chick, John Clarke, Robert Clarke, Robert Clapp, Robert Clapp junior, John Clapp, Daniel Chanon, Joſeph Curtis, John Cox, William Champ, John Champ, John Coppock, Joſeph Coppleſtone, Thomas Cooper, Richard Cooper, James Chafey, John Chanon, John Chapman, Robert Collins, Thomas Collins, John Colefox, John Caine, Robert Chilcott, William Clapcot, John Carter, Thomas Crode, Thomas Drake, Richard Denning, Thomas Darby, John Dare, Thomas Dare, John Davis, Henry Davis, Nathaniel Downe, William Davie, Samuel Darby, John Downe, William Evans, William Edwards, John Everet, Samuel Follett junior, John Follett, Benjamin Follett, John Follett junior, Robert Follett, William Fitzherbert, Thomas Fitzherbert, Henry Govier, James Gay, Edward Godfrey, William Gray, William Guppy, Jonas Guppy, James Gollop, John Gundry, Joſeph Gundry, Robert Greening, Samuel Gundry, Francis Hammond, Robert Hammond, Thomas Henderſon, John Hart, William Hayman, Edmond Henning, John Haine, John Hounſell Clothier, John Hounſell Mercer, John Hounſell Ironmonger, Philip Henvil, Matthew Hounſell, Joſeph Hutchings, Henry Hodder, William Hart, Samuel Hall, Richard Johnſon, John Jacob, George Kerbey, Matthew Knight, Robert Knight, Robert Knight junior, Robert Lumley Kingſon, John Keate, Richard Knight, George Knight, Gaius Keech, John Leigh, Thomas Lyde, Samuel Lyde, William Lyde, Robert Lee, John Lavington junior, Thomas Mundy, Joſeph Miller, Richard Marker junior, John Morgan, Thomas Maſterman, John More, John Marſh, John Miller,

John Oke, Walter Oke, William Pugsley, John Pearse, John Stocker Pearse, John Puddicombe, John Pearse of Lyme, William Prince, Jacob Pitfield, John Pittman of Froom, George Pashen, Hugh Paine, Arthur Raymond, Francis Randal, James Reed, Stephen Robinson, Thomas Rawlins, Francis Roberts, John Sampson junior, Samuel Slater, Thomas Stocker, John Slade, Nicholas Strickland, Thomas Searle, William Stephens, Robert Smith, William Sparks, William Soper, John Sabbin, Stephen Stone, Joseph Stone, John Symes of Netherbury, William Symes, Robert Symes, John Tobey, Nicholas Tuff, John Tozer, Aaron Tozer, William Taunton, Thomas Taunton, John Thresher, Daniel Taylor, Richard Tucker, William Traverse, John Ven, Henry Ven, William Vicary, Nicholas Wood, Joseph Wallis, John Wallis, John Whitty, William Warren junior, William With, William Wheatony John West, John White, James Wolcott, John Willis, Nicholas Weare, Robert Willis, Thomas White, Charles White, Charles Willis, John Way, Andrew Warren, Benjamin Way, William Way, Thomas Westcombe, Samuel Warren of Bridport; the Mayor, Capital Burgesses, Recorder, and Town Clerk of the Borough of Lyme Regis, for the time being; the Vicar of Lyme Regis for the time being; the Collector of the Customs of the Port of Lyme Regis, for the time being; shall be, and they and their Successors, to be elected in Manner herein after-mentioned, are hereby appointed Trustees for surveying, ordering, widening, amending, and keeping in Repair, the said Roads, and for putting this Act in Execution.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified to act as a Trustee, in any Case, in the Execution of this Act (except in the swearing of other Trustees) unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent to some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Value of One thousand Pounds; and unless every such Person (except such Heirs Apparent) shall take and subscribe the Oath following, before any Three or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of this Act;

Trustees to take the Oath following, before they act.

which

which said Oath shall be in the Words, or to the Effect following; that is to say,

I *A. B.* do swear, That I truly and *bona fide*, am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Value of One thousand Pounds. The Oath.

So help me GOD.

And if any Person so made incapable, shall nevertheless presume to act, contrary to the true Intent hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed. Penalty on acting, if not duly qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be built or erected a Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads; and also a Toll-house or Toll-houses in and upon the same; and the Tolls following shall be demanded, taken, and levied, at the Turnpike or Turnpikes to be erected upon that Part of the said Roads lying between the said Alms-house at the West End of Charmouth and the East End of Radice, otherwise Viny Lane aforesaid, and the said Borough of Lyme Regis and the said Way Stone; and also at the Turnpike or Turnpikes to be erected upon that Part of the said Roads lying between the said Eastern End of Radice, otherwise Viny Lane and the said Way Post in the Parish of Whimple, and branching from the same Road in the Town of Saint Marry Ottery to Straightway Head, otherwise Stretwood Head, in the said Parish of Whimple; and also at the Turnpike or Turnpikes to be erected upon that Part of the said Roads lying between the East End of Radice, otherwise Viny Lane aforesaid, and the Western Side of Aylesbeas Hill aforesaid, before any Horse, or other Cattle or Beast, Coach, Waggon, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses, &c. and take the following Tolls thereat.

For

The Tolls.

For every Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Four Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling.

For every Chaise, Car, or Chair, drawn by One Horse, or other Beast of Draught, the Sum of Six Pence.

For every Waggon, Wain, Cart, Dray, or other Carriage, drawn by Five or more Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Four Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, or other Beasts of Draught, the Sum of Eight Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Four Pence.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Twenty Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and shall be, and are hereby, vested in the said Trustees, and shall be applied and assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned: And it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall, under their Hands and Seals, from time to time, authorize and appoint for that Purpose, to demand and take the Tolls hereby granted, and to levy such Tolls upon any Person or Persons, who shall (after Demand made thereof) refuse or neglect to pay the same, by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Tolls are by this Act imposed, or by Distress of any of the Goods or Chattles carried or drawn

Tolls to be levied by Distress and Sale.

drawn by or on such Cattle or Carriage, or of any other Goods or Chattles belonging to the Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattles so distrained until such Tolls, with the reasonable Charges of distraining and keeping the same, shall be paid; and such Person or Persons so distraining, after the Space of Four Days next after the Day on which such Distress shall be made, shall and may sell the Cattle, Carriage, or Goods, so distrained and taken, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges of such Distress, Detainer, and Sale, shall be deducted or paid.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across, any Lane or Bye-Way that doth or shall lead out of the same; and the Tolls aforesaid shall be taken and levied in Manner aforesaid, at such Turnpike or Turnpikes, so as the same do not extend to a Double Charge, upon any Person passing through any other of the Turnpikes, to be erected by virtue of this Act upon the same Division of the said Roads, on which such Side Gate or Gates shall be erected.

Trustees may erect Side Gates;

and take Tolls thereat.

Provided always, That nothing herein contained shall extend to impower the said Trustees to erect any Turnpike upon or across any Part of the Road between Straightway Head and Fair Mile Inn, unless a Turnpike or Turnpikes shall at any Time hereafter be erected on any other Part of the Great Western Road, between the Workhouse on the Eastern Side of Honiton, and the present Turnpike on the Eastern Side of the City of Exeter.

Proviso concerning erecting a Turnpike between *Straightway Head*, and *Fair Mile Inn*.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than once in any One Day (each Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) for passing with the same Cattle or Carriage through all or any of the Turnpikes, to be erected in each of the Divisions of the said Roads; that is to say, No more than once at the Turnpike or Turnpikes upon, in, across, or on the Sides of the said Roads between the Alms-house at the West End of Charmouth, and the East End of Radice Lane, and between the Borough of Lyme Regis, and the Way Stone beyond Uplyme Hill; nor more than once at the Turnpike or Turnpikes upon,

Tolls to be paid but once a Day, in each District.

in, across, or on the Sides of, the said Roads between the East End of the same Lane, and the Way Post in the Parish of Whimple, and at or between Saint Mary Ottery and Straightway Head, in the said Parish of Whimple; nor more than once at the Turnpike or Turnpikes upon, in, across, or on the Sides of, the said Road between the East End of the said Lane, and the Western Side of Aylesbear Hill; but that every Person shall, after the Payment of One Toll, pass free with the same Cattle or Carriage, during the Remainder of such Day, through all the Turnpikes in the respective Division wherein such Toll was paid, upon producing a Note or Ticket of such Payment; which Note or Ticket the Collectors of the Tolls are hereby required to give gratis, if demanded, upon Receipt of the Toll; any thing herein contained to the contrary notwithstanding.

Trustees, with Consent of the Creditors, may lessen the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, from time to time, to vary or alter all, any, or either, of the Tolls aforesaid, as they shall see Occasion, provided they do not, at any Time, exceed the Tolls granted by this Act, nor lessen or reduce them to a less Rate than they shall be at the Time of borrowing any Money, until the Money borrowed on the Credit thereof, with the Interest due thereupon, be discharged, unless the Person or Persons, to whom the same shall, at the Time of such Reduction, be due, consent thereto.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That out of the Money which shall be raised or borrowed by virtue hereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and the Residue of such Money shall be afterwards, from time to time, applied in defraying the Expence of erecting and supporting the Turnpikes and Toll-houses, and repairing, altering, and widening the said Roads, and defraying the necessary Charges and Expences attending the same, and of executing the Purposes of this Act, and the Payment of the Principal and Interest Monies due on the Credit thereof, in such Manner as the said Trustees, or any Five or more of them, shall direct; and to no other Use or Purpose whatsoever.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Property of all the Turnpikes, and Toll-houses, and Mile-stones, to be erected by virtue of this Act, and the Materials of which the same shall consist, shall be, and are hereby vested in the said Trustees; and they, or

any

any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in their own Names, or in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, for the time being; and to prefer and prosecute, or direct the preferring and prosecuting of, any Bill or Bills of Indictment, or other Prosecutions, against any Person or Persons who shall injure or disturb them in the Enjoyment of the Property thereof.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, shall with any Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage or Cattle, on which a Toll is hereby laid, pass through any Ground, Field, Gate, private Passage, or other Place, adjoining or lying near to any or either of the Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Tenement, Land, or Ground, which shall adjoin or lie near to any or either of the said Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any such Coach, Chariot, Chaise, Waggon, Cart, Dray, Horse, Ox, Ass, or other Carriage or Cattle, to pass through the same Tenement, Land, or Ground, or any Field, Gate, or private Passage, or other Place belonging to such Owner or Occupier; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Collector or Collectors of the said Tolls, any Note or Ticket of the Day, by this Act directed to be given by such Collectors, or shall make use of any forged Note or Ticket; or if any Person or Persons, driving or owning any Coach, Chariot, Chaise, Waggon, Cart, Dray, or other Carriage, shall, at any Time or Times, take off, or cause or suffer to be taken off, from such Carriage, any Horse, Ass, Mule, Ox, or other Cattle, at or before the same shall come to any of the Turnpikes, to be erected by virtue of this Act; or if any Person or Persons shall leave in any House or Place, upon or near any Part of the said Roads, any Carriage or Cattle, chargeable with, or liable to pay Toll, whereby the Payment of any or either of the said Tolls, or any Part thereof, shall be evaded or lessened, that then and in each or either of the Cases aforesaid, every Person so offending, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be applied to the Use of the Informer, and the other Moiety towards amending the said Roads.

Penalty on Persons permitting, or going through, private Passage, &c.

or giving or receiving Tickets;

or taking off Horses, &c.

And

Persons and Things exempted from the Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing, or not drawing the same, which shall be used or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden or other Land or Ground, or that shall be used or employed in the plowing, sowing, tilling, or cultivating any Land or Ground, or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Yards, or Grounds, of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry; or for any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for the repairing thereof, or using the same in Husbandry, or any thing whatsoever, that shall be used or employed in Husbandry, or manuring of Land; or for any Horse, Mare, Gelding, Ox, Ass, Mule, or other Beast or Cattle, going to, or returning from Water or Pasture, or in order to be shod; or for any Post-horse carrying any Mail or Packet; or for the Horses of Soldiers upon their March, or for any Waggon or other Carriage, or Horse, or other Beast, drawing, or not drawing the same, which shall be loaden with, or employed in carrying the Arms or Baggage of such Soldiers; or for any Horse or other Beast which shall be employed in the Carriage of Serges, or other Woollen Goods, to or from the House of any Inhabitant of any Parish in which any Part of the said Roads lie, to or from any Fulling Mill, Tenter, or Rack, belonging to, or occupied by such Inhabitant, where the same shall be manufactured or dried; or for any Horse or other Beast, employed in the Carriage of Raw Hides, Skins, or Leather, to or from the House of any such Inhabitant, to or from any Tan-pit, Yard, or Workhouse, occupied by such Inhabitant; or for any Carriage, Horse or other Beast, employed in passing Vagrants, travelling with lawful Passes; nor shall any Toll be paid by any Inhabitant of any of the said Parishes for passing to or from any Church, Chapel, or other Place of religious Worship on Sundays, or who shall attend the Funeral of any Person to be buried in any of the said Parishes; nor shall any Person be liable to pay Toll for any Horse or other Beast of Burthen, or for any Coach, or other Carriage

Carriage that shall be going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for either of the said Counties of Devon or Dorset, or of a Burgess or Burgesses to serve in Parliament for the said Borough of Lyme Regis, on the Days of such Election or Elections, or on the Day before or Day after any such Election shall begin or be concluded: And if any Person shall claim, and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be applied to the Use of the Informer, and the other Moiety towards amending the said Roads.

Penalty on Persons making illegal Claims, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the Guild Hall of and in the Borough of Lyme Regis, on the Fourteenth Day after the passing of this Act, and proceed to the Execution of this Act; and shall then, and from time to time, adjourn themselves, to meet there, or at any other Place or Places, in or near the said Roads, as the said Trustees, or any Five or more of them, shall think convenient; and the said Trustees shall hold Two General Meetings in each Year, within the said Borough of Lyme Regis; that is to say, On the Monday Sevennight after Whitsun Monday, and on the Tuesday next after Saint Bartholomew Day; the First of which General Meetings shall be held on the Tuesday after Saint Bartholomew Day, in this present Year.

Times and Places of Trustees Meetings.

And, for the more speedy repairing and widening the said Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, from time to time, upon the Credit of the Tolls hereby made payable, borrow and take up at Interest, not exceeding the Rate of Four Pounds Ten Shillings for One hundred Pounds, by the Year, any such Sum or Sums of Money, as they, or any Nine or more of them, shall think needful; and may and they are hereby authorized, by Writing or Writings, under their Hands and Seals, or the Hands and Seals of any Nine or more of them, to assign over the said Tolls, or any Part or Parts thereof, for any Term or Number of Years, not exceeding the Term hereby granted, unto any Person or Persons, as a Security or Securities for the Repayment of such Sum or Sums of Money as shall be so borrowed, and the Interest thereof, as aforesaid; all and every of which Assignments, so to be made,

Trustees may borrow Money on the Credit of the Tolls.

Interest not to exceed 4*l.* 10*s.* *per Cent.*

Assignments to be entered in a Book.

shall be copied and entered at Length in a Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, to be seen and perused at all seasonable Times, without Fee or Reward, by any of the said Trustees, and by the Persons who shall have advanced Money on the Credit of this Act; and also by any other Person or Persons; such Person or Persons paying the Sum of One Shilling for every such Inspection or Perusal; which said Money so to be borrowed (the Charges of procuring and passing this Act, as aforesaid, being thereout first paid) shall be applied in such Manner as the said Tolls are hereby directed to be applied, and to no other Use or Purpose whatsoever: But no Money shall be borrowed on the Credit of the said Tolls, unless Notice for that Purpose in Writing, under the Hand or Hands of the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, be affixed upon the Market-house, or other most publick Place, within the said Borough of Lyme Regis, and likewise upon all the Turnpikes that shall be erected at the Time or Times of borrowing such Money, at least Ten Days before borrowing the same.

Clerk's Fee.

Application of the Money borrowed.

10 Days Notice to be given of borrowing Money.

Estates of Trustees not subjected to Debts secured by executing any Assignments.

Provided always, That nothing herein contained shall extend to subject or charge the Trustees who shall execute any of the said Assignments, their, any or either of their Lands or Tenements, Goods or Chattles, to or with the Payment of the Money thereby secured, or any Part thereof, by reason of their, or any or either of their signing or sealing any such Assignments.

Limitation of the Sum to be borrowed.

Provided also, That the Monies to be due and owing on the Credit of the said Tolls, shall not at any one Time exceed in the whole the Sum of Four thousand Pounds, unless the Person or Persons intitled to Three-fourths of the Money which shall be due and owing, shall consent thereto, and shall signify such Consent under his, her, or their Hand or Hands to the said Trustees, or any Nine or more of them.

All Creditors deemed as such in an equal Degree.

And be it enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons whatsoever advancing any Part or Parts of the gross Sum so to be borrowed, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made, as aforesaid, shall, so far as the said gross Sum shall extend, be, and are hereby declared to be, Creditors on the said Tolls in equal Degree one with another.

And

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Assignment or Assignments of the Tolls shall be made, and his, her, or their Executors or Administrators, Assignee or Assignees, may, and is and are hereby impowered, from time to time (by proper Words of Assignment to be indorsed on his, her, or their Security or Securities, or by any Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two credible Witnesses) to assign and transfer such Security and Securities, and all the Money that shall be due thereon, to any other Person or Persons whatsoever; and that all and every such Transfer or Assignment shall, from time to time, be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, within the Space of Three Months after the respective Dates thereof; who shall make or cause to be made, a proper Memorial or Entry of all and every such Assignments or Transfers, containing the Date thereof, and the Names, Additions, and Places of Abode, of the several Parties thereto, and the Sum or Sums of Money, and Term or Terms of Years, therein mentioned and contained, and other the material Contents of the same, and the Names, Additions, and Places of Abode, of the Witnesses to the Execution thereof, in the Book or Books to be kept for entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Sixpence, and no more, by the respective Persons to whom such Assignments shall be transferred, for every such Entry; and after such Entry made, but not otherwise, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors or Administrators, to the Benefit thereof, and Payment thereon; and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or the Money due thereon, or any Part thereof.

Assignments may be transferred, and the Manner of doing so.

Entries to be made thereof.

Clerks Fee.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to appoint proper Persons to be Collectors of the Tolls hereby made payable, and also One or more proper Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officer or Officers as they the said Trustees, or any Nine or more of them, shall think necessary; and such

Trustees may appoint Officers;

such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of either of them, from time to time, to remove or displace, as they shall think fit; and to choose and appoint others in their Stead, and in the Room of such as shall die; Notice of the Time and Place of Meeting for such Elections respectively being first fixed on the Market-house, or other publick Place, within the said Borough of Lyme Regis, and on all the Turnpikes, at least Ten Days before every such Election; and may, and are hereby impowered, by and out of the Monies arising by virtue of this Act, to allow and pay to such Collectors, Clerks, Treasurers, Surveyors, and other Officers appointed as aforesaid, and to such other Persons as shall be assisting in or about the Repair of the said Roads, or in the Execution of this Act, such Salaries and Allowances, for their Attendance, Care, and Services, as to the said Trustees, or any Nine or more of them, shall seem reasonable.

and remove them, and appoint others.

10 Days Notice to be given of the Meeting for such Election.

And be it further enacted by the Authority aforesaid, That all and every of the said Collectors, Clerks, Treasurers, Surveyors, and other Officers, and every other Person who shall have or receive any of the Money which shall be raised or borrowed by virtue of this Act, shall, from time to time, as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall appoint, full, true, fair and perfect Accounts in Writing, under their respective Hands, of all the Money which shall have been by them respectively collected or received, and how, to whom, and for what Purposes, such Money, and every Part thereof, hath, or shall have, been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Money as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to whom they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons, so accounting, or to account, as aforesaid, shall, if required, upon their several Oaths (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any or either of the Officers or Persons so accounting, or to account,

Officers to account upon Oath.

count, as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts, as aforesaid, or to produce or deliver to the said Trustees, or to any Five or more of them, the Receipts or Vouchers relating to the same, or to verify the Items and Articles thereof, upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money, as, upon the Balance of any Account or Accounts, shall appear to be in his, her, or their respective Hands, to the said Trustees, or as they, or any Five or more of them, shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Money that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect, as aforesaid, to any Justice or Justices of the Peace for the County or Place where the Officer or Officers, Person or Persons, neglecting or refusing, shall be or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cause to be brought before him or them such Officer or Officers, Person or Persons, so refusing or neglecting; and, upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint, in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Testimony of One or more Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer gratis) it shall appear to such Justice or Justices that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of

Officer refusing or neglecting to account,

Justices upon Complaint to enquire into the Default;

and levy the Balance by Distress and Sale;

the Goods of such Officer or Officers, Person or Persons respectively; and if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed for that Purpose, upon Notice thereof, in Writing, being delivered to such Officer or Officers, Person or Persons, or left at their last Place or Places of Abode respectively, or, if appearing, shall refuse or neglect to give or deliver to the said Justice or Justices such Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up to the said Justice or Justices the several Receipts and Vouchers relating to such Accounts respectively; then, and in either of the Cases aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons to be committed to the common Gaol of the County or Place wherein such Offender shall then be or reside; there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their respective Accounts, and verified the same, and the Items thereof, upon Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all the Money which shall appear to be in their respective Hands; and the reasonable Charges of such Distresses and Sales as shall in those Respects have been made; or shall have compounded with the said Trustees, or any Nine or more of them, for such Money and Charges, and paid such Composition-money to the said Trustees, or to their Treasurer or Clerk; which Composition the said Trustees, or any Nine or more of them, are hereby impowered to make.

and for want of Distress, or Offender refusing to appear and account,

may commit the Offender to Gaol,

until he shall conform,

or compound with the Trustees.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or any other Person or Persons, who shall be employed or appointed for that Purpose, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, may, and is and are hereby impowered, from time to time, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand,

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

Sand or other Materials, proper for the Repair of Roads, in, upon, out of, or from any Waste or Common Grounds, River or Brook, in any Parish, Town, Village, Hamlet, or Place, through which any Part of the said Roads lead, or lying near the said Roads, or in any neighbouring Parish, Town, Village, Hamlet, or Place, to be used and applied in repairing the said Roads, without paying any thing for the same; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits from which such Materials shall be taken, or railing or fencing the same, so that such Pits be not dangerous to Passengers or Cattle; and it shall be lawful for the said Surveyor or Surveyors, or other Person or Persons by them employed, such Surveyors and Persons having an Order from the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, out of, or from the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used and applied in repairing the said Roads; (such Lands, Fields, or Grounds, not being the Site of any House or Houses, or a Yard, Garden, Orchard, Park, Paddock, Wood, or Coppice, or planted with Trees, as an Avenue to, or for the Ornament of, any House, or inclosed, set apart, and used as a Plantation or Nursery for Trees) such Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over which such Materials shall be cut, digged, gathered, taken, and carried away, such Sum or Sums of Money for the same, and for the Damage they shall respectively sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and, in case of any Difference concerning such Damages, the Justices of the Peace, at their next General Quarter Session, to be holden for the County or Place wherein such Damage shall have been sustained, or at their Second Quarter Session at the farthest, or the major Part of them then present, on Ten Days Notice thereof to be given, in Writing, by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by such Owner or Occupier, Owners or Occupiers, to the Surveyor or Surveyors, or to be left at their respective Places of Abode,

without paying for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds

Justices to determine Differences.

with

with some or One of their respective Families, shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Rubbish may be taken out of Quarries.

Provided always, That the said Surveyor or Surveyors, or any other Person or Persons employed, or directed so to do, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, may, and they are hereby authorized to enter into any Lime Quarry, Stone Quarry, or other Quarry, and to take and carry away the Chipping and Rubbish thereof, without paying any thing for the same, the Owner or Occupier of such Quarry being present, or Notice being given to such Owner or Occupier, or to some or One of his Family, at least Twenty four Hours before such taking and carrying away as aforesaid.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, or any other Person or Persons by him or them employed (having an Order under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) from time to time, to remove, or cause to be removed, all Annoyances, Filth, Dung, Ashes, or Rubbish, and all other Nusances or Obstructions whatsoever, which are or shall be in or upon any Part or Parts of the said Roads; and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto; and to open, scour, or cleanse, any Ditch, Drain, or Watercourse, lying, or which shall lie, in, or leading, or which shall lead, into, or out of, the said Roads, or any Part thereof, in case the Owners or Occupiers, or Person or Persons, occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees, Boughs of Trees, or Bushes; or to open, scour, or cleanse, such Ditch, Drain, or Watercourse, shall refuse or neglect so to do, for the Space of Fifteen Days after Notice, in Writing, to him, her, or them respectively given for that Purpose, or left at his, her, or their respective Place of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks, the Charges whereof (to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands) shall be reimbursed and paid to the said Surveyor or Surveyors, by the respective Person or Persons so refusing or neglecting as aforesaid:

cut down Trees, &c.

and cleanse Ditches, &c.

Owners neglecting to remove Annoyances, &c. after Notice given them,

Surveyors to be reimbursed the Charges.

said: And in case such Person or Persons shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall be lawful for such Surveyor or Surveyors, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the County or Place (which Warrant or Warrants the said Trustees, Justice or Justices, is or are hereby impowered and required to grant) from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his her, and their respective Goods and Chattles; returning the Overplus, if any be, after all Charges paid, to the Owner or Owners thereof, upon Demand: And if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings. Penalties to be levied by Distress and Sale. Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or any other Person or Persons by the said Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, appointed (having an Order, under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make or cause to made any Causeway or Causeways, Ditches, Drains, or Trenches, in or along the Side or Sides of any Part or Parts of the said Roads, and to make, erect, or build, or cause to be made, erected, or built, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon, in, or across, the same Roads, or any Part or Parts thereof; and to dig, cut, or make, or cause to be digged, cut, or made, any Ditches, Drains, or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part thereof, from being overflowed with Water; and to erect Bridges over such Watercourses, if necessary; and also to make, or cause to be made a Road or Way through the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, to be used by all Passengers, with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old narrow or ruinous Road is repairing or widening, and until such Time as it shall be safe and convenient for Passengers and Carriages to travel through the same, making such Satisfaction to the Owners or Occupiers of such Lands and Grounds as shall be so made use of, or through which any such Ditches, Drains, Surveyors may make Causeways, erect Bridges, &c. cut Drains, and make a temporary Road, making Satisfaction to the Owners of the Grounds.

or Watercourses, shall be cut, or upon which any such Bridge or Bridges shall be erected, or through which any such Road or Roads shall be made, for the Damages they may thereby sustain, as by the said Trustees, or any Five or more of them, shall be adjudged reasonable; which Satisfaction the said Trustees, or any Five or more of them, are hereby impowered to pay out of the Money which shall be raised or borrowed by virtue of this Act; and in case of any Difference concerning such Damages, the Justices of the Peace, at their next General Quarter Session to be holden for the County or Place wherein such Damage shall have been sustained, or at their Second Quarter Session at the farthest, or the major Part of them then present at such Session, on Ten Days Notice thereof given in Writing, by the said Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by such Owner or Occupier, Owners or Occupiers, to the Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or One of their respective Families, shall hear, settle, adjudge, and finally determine the same.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Nine or more of them, and they are hereby impowered, from time to time, to widen, alter, turn, or divert any Part or Parts of the said Roads, and to cause any Part or Parts of such Roads to be widened, altered, turned, or diverted, as they shall think fit (provided that such Part or Parts of the said Roads as shall be so widened or diverted be not thereby made wider than Thirty Feet) and for that Purpose to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, of any such Lands or Grounds, for the absolute Purchase of so much, or such Part or Parts thereof, as they the said Trustees, or any Nine or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers may receive by the widening, altering, turning, or diverting, any Part or Parts of the said Roads.

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots or Lunaticks, Husbands, or other Trustees whatsoever (for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts) and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in, any Lands or Grounds, to treat,

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

treat, contract, and agree with the said Trustees, or any Nine or more of them, for the Sale of such Lands or Grounds, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively for the same, or for their Interest therein, and to sell and convey the same, as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, to the contrary notwithstanding; and all Persons making the same are hereby indemnified for what they shall respectively do by virtue of or in pursuance of this Act: And if any such Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons interested in such Lands or Grounds (upon Notice in Writing, describing the Land or Ground intended to be purchased, and the Place or Places where the same shall lie, to him, her, or them respectively given, or left at his, her, or their Dwelling-house or Houses, or Place or Places of Abode, or at the Dwelling-house or Place of Abode of the Tenant in Possession of such Land or Ground, or affixed in case such Land or Ground shall be untenanted, on the Door of the Dwelling-house, if any to which such Land or Ground shall belong, or upon some Part of such Land or Ground) shall, for the Space of Twenty Days after such Notice given, left or affixed, as aforesaid, refuse or neglect to treat for such Land or Ground, or shall not agree as to the Price or Value thereof, or shall, by reason of Absence, be prevented from treating, then, and in every 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, residing in the County wherein such Land or Ground shall lie (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) what Damages shall be sustained by, and what Satisfaction or Recompence shall be made to, such Owner or Owners, or other Person or Persons interested on Account of the taking such Lands or Ground into the said Roads, according to their respective Interest therein; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought proper to be examined as a Witness or Witnesses, concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any

Two

Jurors to determine Differences.

In case of Refusal to treat, &c.

The Damages and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

Two or more of them, are hereby impowered and required to administer; and may also cause the said Jury to view the Place in Question, and shall use all other lawful Means as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon adjudge and determine the Sum or Sums of Money to be offered by the said Jury to be paid to the Owners or Occupiers of the said Lands or Grounds, or other Person or Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement or Determination, so had and made, shall be final, binding, and conclusive, to all and every Person and Persons whomsoever, to all Intents and Purposes whatsoever: And the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County respectively, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified by Law to serve on Juries, 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; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return Twenty four Persons accordingly; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to and upon such Summons, the said Trustees, or any Five or more of them, shall cause to be sworn, Twelve Persons, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of the Jurymen so returned, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured or summoned to attend the Service, to the Number of Twelve; to all or any of which Jurymen all Persons concerned shall have their lawful Challenges, in like Manner as any Party in any Action brought in any of His Majesty's Courts of Record at Westminster, is or shall be by Law intitled to; and the said Trustees, or any Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines (not exceeding the Sum of Ten Pounds, upon any One Person, for One single Offence) on such Sheriff, his Deputy or Bailiff respectively, who shall make Default in the Premisses; and also on any

After Payment of Landowners the Money, vested in the Trustees

Verdict of the Jury to be final.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Lands, &c. purchased to be made Part of the Road.

and effected as public Highways.

Jury may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10 l.

of the Persons who shall be summoned and returned to serve on the Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse to give, or not giving his or their Verdict, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent of this Act; and on every or any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to attend, or be sworn or examined, or to give Evidence, touching the same.

After Payment or Tender of the Money, the Lands vested in the Trustees

And be it further enacted by the Authority aforesaid, That from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence thereby found to such respective Owner or Owners, or other Person or Persons interested, or after the Execution of any Conveyance of the said Lands to the said Trustees, or any Nine or more of them, by the respective Owner or Owners thereof, or by any other Person or Persons by this Act impowered to sell and convey the same, and Payment or Tender of the Money thereby stipulated to be paid, as the Consideration thereof (which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be raised or borrowed by virtue of this Act) such Lands and Grounds, and every Part thereof, shall be, and is and are hereby vested in the said Trustees and their Successors; and that any Person or Persons by the said Trustees, or any Five or more of them, for that Purpose impowered, may, and is and are hereby authorized to take and lay such Lands and Grounds, and every Part thereof, into the said Roads; and then and from thenceforth for ever afterwards, such Lands and Grounds, and every Part thereof, shall be deemed taken, and used as, and the same are hereby declared to be, a Part or Parts of the said Roads, and a publick and common Highways, and shall for ever be repaired and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: and after every such new Road shall be completed, the Lands comprised in or constituting the old or former Road, in lieu whereof such new Road shall be made, shall be vested in the said Trustees, and shall or may be sold or disposed of by them, or any Nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied to the repairing the Roads hereby directed to be repaired, and

Lands, &c. purchased to be made Part of the Roads,

and esteemed as publick Highways.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

the Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the County wherein such Lands or Grounds lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured by this Act.

Provided always, That nothing shall be done in pursuance of this Act, either in widening, altering, running, or diverting the said Roads, or otherwise howsoever, which shall in any wise injure or damage any House, Yard, Park, Paddock, planted Walk, or Avenue to any House.

Persons, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Tills, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making this Act, hath or have been used, or of Right ought by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with the repairing and keeping in Repair the same Part of the said Roads, Bridges, or Drains, in the same Manner as they, every or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Roads lead, who by the Laws and Statutes of this Realm, are or shall be obliged, or liable to work on the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable thereto, and shall and are hereby required to do and perform such and so many Days Work, in such Parts of the Roads by this Act directed to be repaired, lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, their Surveyor or Surveyors, shall direct and appoint; and that every such Inhabitant of the said Parishes, Hamlets, and Places, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Parishes, Hamlets, and Places, in which they shall respectively live, as Persons keeping Teams are by Law obliged or ought to do.

Persons renting 50 l. a Year, to be deemed Team-holders.

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for the said Parishes, Hamlets, and Places, shall, and they are hereby required, before the Twenty fifth Day of March, in every Year, during the Continuance of this Act, to return and deliver unto the said Trustees, at One of their Meetings, true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, that are liable to do their Statute-duties in or upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall keep a Team or Teams, or by this Act shall be deemed so to do, and the Number of Pack-horses, and other Beasts of Burthen, kept by such of the said Inhabitants as do not, or by this Act are not deemed to keep a Team, and which of the said Inhabitants are Labourers, or liable to do their Statute-duties as Labourers only; and if any Surveyor or Surveyors of the Highways, in any or either of the said Parishes, Hamlets, or Places aforesaid, shall not deliver in such Lists as aforesaid, or by such Time, and in such Manner, as by this Act are required to be delivered, every such Surveyor shall forfeit for every such Default, the Sum of Five Pounds; and if any Person liable to do Statute-work upon the said Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as such Person shall be directed or appointed to do by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, every such Person shall, for every such Neglect or Default, forfeit the several Sums herein after-mentioned; that is to say, Every Person keeping, or who by virtue of this Act shall be deemed to keep a Team, for every Day's Work, the Sum of Ten Shillings; and every Person keeping a Pack-horse or Pack-horses, or other Beasts of Burthen (and no Team, nor by this Act deemed to keep a Team), for every Day's Work for every such horse or Beast, and Driver, the Sum of Three Shillings; and every other Person liable to work on the said Roads as a Labourer, only, for every Day's Work the Sum of One Shilling and Six Pence; and if any Person who shall come as a Labourer, or be sent with any Team or Draught, Pack-horse or Beast of Burthen to work on the said Roads, shall be found idle or negligent, by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off every such Person; and in that case the respective Forfeitures and Payments

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

before-mentioned, shall be incurred and payable, as if such Person had refused or neglected to come, or such Team or Draught, Horse or Beast, had not been sent.

Justices may determine the Statute-work to be done on the Roads.

Provided always, That if the Surveyor or Surveyors of the Highways for the time being, of any of the said Parishes, Hamlets, or Places, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have at any Time appointed too large a Proportion of the Statute-work in any Parish, Hamlet, or Place, to be done on the said Roads, it shall be lawful for such Surveyor or Surveyors of the Highways, to appeal to the next General Quarter Session of the Peace, or the Second Quarter Session at the farthest, which shall be held after such Appointment, for the County or Place wherein such Part of the said Roads lies; and the Justices in such their Session, are hereby impowered to determine what Proportion of the Statute-work in any Parish, Hamlet, or Place, shall be done on the Roads hereby intended to be repaired; such Surveyor or Surveyors of the Highways having first given Ten Days Notice in Writing of such Appeal, to the Turnpike Surveyor or Surveyors, or to the said Clerk or Clerks.

Trustees may compound with Persons for Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered, from time to time, to compound and agree with the Surveyor or Surveyors of all any, or either of the Parishes, Hamlets, or Places, through which the said Roads do lead, or with the several Inhabitants of such Parishes, Hamlets, and Places, respectively, for a certain Sum or Sums of Money by the Day, Year, or otherwise, as the said Trustees or any Five or more of them, shall think reasonable, in lieu of the Statute-work, or other Work, to be done by such Parishes, Hamlets, or Places, respectively, or the respective Inhabitants thereof; which Composition-money shall be paid at the Time of making such Agreement, and shall be applied in such Manner as the said Tolls are directed to be applied; and such Surveyor or Surveyors of the Highways shall be reimbursed the Composition-money, which shall be so paid by him or them as aforesaid, in such Manner as, by the Laws now in being, Surveyors of the Highways are to be reimbursed the Money by them expended in buying Materials for mending the Highways.

Surveyors, &c. paying the Composition-money to be reimbursed.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, from time to time, compound or agree for a Year, or for any less Time, with any Person or Persons living

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in any or either of the Towns, Hamlets, Parishes, or Places, through which the said Roads lead, or in the Neighbourhood thereof, for any Sum or Sums of Money in lieu of the said Tolls, or any of them, for the passing of such Persons, their Carriages or Cattle, through all or any of the said Turnpikes: Which Composition-money shall be paid at the Time of making such Agreement; and shall be applied in such Manner as the Tolls are directed to be applied.

Roads to be measured and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Mile-stones or Posts to be set up on the Sides thereof, with Inscriptions upon such Stones or Posts, denoting the Number of Miles, and Distance of Places, in such Manner as they the said Trustees, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly destroy, pull down, dig up, break or injure, any or either of such Stones or Posts, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending, shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty on defacing Mile-stones, &c.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon, in, or along, any Part of the said Roads, any Tree or Trees, or Piece or Pieces of Timber (otherwise than upon Wheel Carriages) every such Person, for every such Offence, shall forfeit the Sum of Twenty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Fines, and Forfeitures, imposed or made payable by this Act, or which shall be incurred thereby, and every Part thereof, shall, from time to time, be paid (except such Payment is otherwise herein before directed) to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers; and shall be applied in such Manner as the Tolls are directed to be applied (except where the same, or any Part thereof, are otherwise directed to be applied by this Act) and, for the Recovery of the said Penalties, Fines, and Forfeitures, the said Trustees, or any Five or more of them, or any Justice or Justices of the Peace of the County or Place where the Party or Parties incurring the same shall be or reside, may, and is and are hereby authorized and required, from time to time, upon Proof thereof, and of the several Matters, Causes, or Things, for which such Pe-

nalties or Forfeitures shall be incurred, either by the Confession of the Party or Parties, or by the Oath of One or more Witness or Witnesses (which Oath the said Trustees, or any Two or more of them, or such Justice or Justices, is and are hereby impowered and required to administer gratis) by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied and raised by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring; and if any more Money shall at any Time be raised by any such Distress and Sale, than shall be sufficient to pay such respective Penalties, Fines, or Forfeitures, and the reasonable Charges of such Distress and Sale, such Overplus shall, if demanded, be paid to the respective Owner or Owners of such Goods, Chattles, and Effects; and if Goods, Chattles, or Effects, of the Person or Persons who shall incur any of the Penalties, Fines, or Forfeitures, cannot be found sufficient to answer the same, and the Charges of such Distresses and Sales as aforesaid, then the said Trustees, or any Five or more of them, or any such Justice or Justices, may, and is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the common Gaol of the respective County or Place, there to remain without Bail or Mainprize, unless such Penalties, Fines, and Forfeitures, and reasonable Charges, shall be sooner paid, for any Time not exceeding Three Months, for the First Offence; and for the Second and every other Offence of the same Kind or Nature, for any Time not exceeding Six Months, or less than One Month, unless such Penalties, Fines, Forfeitures, and Charges, shall be sooner satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices, at the next General Quarter Session of the Peace, or to the Second Quarter Session at the furthest, which shall be held for the County or Place wherein the Cause of Complaint shall arise; he, she, or they, giving, or causing to be given, at least Ten Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers; and entering into a Recognizance, within Five Days after such Notice, before some Justice of the Peace for such County or Place, with Two sufficient Sureties, to try such Appeal at such Sessions;

Notice of Appeal to be given.

sions; and, in case the same shall be disallowed, to pay such Costs and Charges as the Justices there shall direct in that Behalf; which said Justices, at their said Session, upon due Proof of such Notice being given, and such Recognizance being entered into, as aforesaid, shall, and are hereby authorized and required, to proceed in, hear, and determine, the Matter of such Appeal; and may, if they see Cause, mitigate or annul, at their Discretion, any Penalty or Penalties laid on, or incurred by, the Party or Parties appealing, or alter or vacate such Conviction or Convictions, Commitment or Commitments, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellant or Respondent as they shall think fit; and the Judgement and Determination of the said Justices, at such General Quarter Session, shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, Order, or other Proceeding, which shall be made, entered into, or executed, in pursuance of this Act, shall be quashed, vacated; or discharged, for want of Form only; nor shall the same be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Pecuniary Penalties how to be recovered.

Provided also, and be it further enacted by the Authority aforesaid, That where any Person, for any Offence committed against this Act, shall be liable to pay any pecuniary Penalty, or Sum of Money, it shall be lawful for the said Trustees, or any Five or more of them, to proceed to recover such Penalty, or Sum of Money, by the Ways and Means herein before for that Purpose prescribed, or to sue for the same in their own Names, or in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at Westminster; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and wherein the Plaintiff or Plaintiffs, if he or they recover, shall likewise have his or their Full Costs; provided that no such Offender shall be doubly prosecuted for the same Offence.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any of them, in Execution of this Act, shall be revoked, altered, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine Trustees be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from the First Day of February, One thousand seven hundred and fifty eight, and shall continue in Force for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be enter'd in Books.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Money that shall be borrowed, collected, and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Compositions, Acts, Matters, Proceedings, and Things, which shall be made or done by the said Trustees, in Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in a Book or Books to be kept for those Purposes, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; and such Orders so entered shall be signed by such Clerk or Clerks, Treasurer or Treasurers, at any Meeting of the said Trustees, or of any Five or more of them; and, being so signed, shall be deemed and taken to be original Orders; which said Book or Books, and also the Book or Books herein before directed to be kept for entering and registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be produced, and read in Evidence.

On Death or Removal, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect and appoint One fit Person, residing in the County of Devon or Dorset, to be a Trustee in the Room of every such Trustee so dying, or refusing to act; Notice in Writing of the Time and Place of Meeting for every such Election, being affixed at or on the Market-house, or other most publick Place, within the Borough of Lyme Regis aforesaid, and at or on all the Turnpikes erected in pursuance of this Act, at least Ten Days before such Meeting; and every Person so chosen and appointed shall be joined with the surviving or remaining Trustees in putting this Act in Execution, and shall and may, and is hereby impowered to act, to all Intents and Purposes, in as full and ample Manner, as if he had been appointed a Trustee in this Act.

10 Days Notice to be given of Trustees Meeting.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee shall act as such, or be impowered

impowered to do any Act in the Execution of the Powers hereby given, unless it be at a Meeting of Trustees to be held in pursuance of this Act; and that the said Trustees shall defray their own Charges and Expences at all their Meetings.

Trustees not impowered to act, but at a Meeting held in pursuance of this Act.

Provided also, and be it further enacted by the Authority aforesaid, That if there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act, then, and in every such Case, the Trustees then present, or their Clerk or Clerks, Treasurer or Treasurers, shall, from time to time, adjourn the said Meeting to be held on that Day Fortnight, at the Place where such adjourned Meeting was appointed; Notice whereof in Writing, signed by the said Clerk or Clerks, Treasurer or Treasurers, shall be fixed on the Market-house, or other most publick Place, within the Borough of Lyme Regis aforesaid, and on all the Turnpikes to be erected by virtue of this Act, at least Ten Days before such next Meeting.

In Default of a sufficient Number to act, Notice to be given of future Meetings.

And be it further enacted by the Authority aforesaid, That every Trustee, who is, or shall be, a Justice of the Peace, may and is hereby impowered to act as a Justice of the Peace, notwithstanding his being a Trustee, except in such Matters or Things as he shall be personally interested in; and in such Cases, no Person whatsoever being so interested shall be capable of acting either as a Trustee or Justice.

Trustees who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That if any Trustee shall have or accept of any Place of Profit under this Act, he shall, during his Enjoyment of the same, be incapable of acting as a Trustee in Execution of the Powers hereby given.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of taking, holding, or enjoying any Place of Trust or Profit under this Act, during such Time as he shall keep an Inn, Alehouse, or other Publick House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail.

No Victualler, &c. capable of being a Trustee.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Writing whatsoever, in, or relating to, the Execution of this Act, shall be chargeable with any Stamp or Duty whatsoever.

Writings to be without Stamps.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall take such Security from the Treasurer or Treasurers, to be appointed in pursuance of this Act, for the due Execution

Treasurer, &c. to give Security, &c.

of his or their Office or Offices, as to the said Trustees, or any Nine or more of them, shall seem meet.

Limitation of Actions. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be brought and commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Suit shall be so brought or commenced, and not afterwards; and shall be brought, laid, and tried, in the County wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in all such Actions and Suits, may General Issue. plead the General Issue, and give this Act, and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing was done in pursuance of this Act; and if the same shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County, then, and in either of such Cases, the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Causes shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants, for some Matters contained in, or done in pursuance of this Act, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.