Anno tricesimo primo

Georgii II. Regis.

An Act to continue and render more effectual Two Acts of Parliament made in the Twelfth Year of the Reign of His late Majesty, and in the Eighteenth Year of the Reign of His present Majesty, for repairing the Roads leading from *Birmingham* to *Edghill*, in the County of *Warwick*.



WHEREAS by an Act made in the Twelfth Year of the Reign of His late Majesty King George the First, intituled, An Act for repairing the Roads leading from *Birmingham*, through *Warwick*, to *Warmington*, and from *Birmingham*, through *Stratford upon Avon*, to *Edgehill*, in the County of *Warwick*, several Tolls and Duties were made payable, and divers Powers were given for repairing the said Roads; which said Act was to take Place from the Twenty fifth Day of July, One thousand seven hundred and twenty six, and to continue for the Term of Twenty one Years: And whereas by another Act made in the Eighteenth Year of the Reign of His present Majesty, for continuing, amending, and making more effectual

Preamble, reciting Act 12 *Geo.* I.

and Act 18 *Geo.* II.

effectual the said former Act, several of the Powers therein contained, were amended and altered, and other Powers were thereby granted for the more effectual Execution of the said Act, and the said Term was further continued from the Expiration thereof, for the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; And whereas the Trustees appointed to put the said Acts in Execution, have borrowed considerable Sums of Money on the Credit of the said Acts; which Money so borrowed, and the Tolls collected by virtue of the said Acts, have been duly applied in repairing the said Roads; and although great Progress hath been made in the Repairs thereof, yet, by reason of the many heavy Carriages passing along the same, the great Length of the said Roads, and the Smallness of the Tolls, a sufficient Fund cannot be raised for the effectual repairing and supporting the said Roads, and paying the Principal Monies and Interest now due, and charged upon the said Tolls; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Frederick North, commonly called Lord North; the Honourable Andrew Archer, Sir Orlando Bridgeman Baronet, John Spencer, James West, Joseph Townsend, Esquires; James Hewitt Serjeant at Law, John Mordaunt, Henry Bridgeman, George Bridgeman, Francis Child, John Wyrley, John Partheriche, David Lewis, Simon Lutterell, Edward Louisa Man, Thomas Leeman Holden, Richard Grevis, John Taylor, Esquires; the Reverend Francis Gastrell, the Reverend Thomas Bromley, the Reverend . . Hughes, the Reverend Richard Swan, Clerks; William Smith Surgeon, Jonathan Greir, George Abney, John Russell, Edward Arnold, Hugh Burman, Goodwin Touch, John Townshend, John Hunt the younger, William Hunt, . . Roberts of Packwood, John Walford, John Woollaston the younger, Gentlemen; shall, from and after the passing of this Act, be added to, and joined with, the Trustees appointed by or in pursuance of the said former Acts, or either of them; and that the Trustees hereby appointed, together with the Trustees appointed by or in pursuance of the said former Acts, and their Successors, shall be, and are hereby, to all Intents and Purposes, impowered to put the said former Acts and this present Act in Execution, other than and except such Powers and Authorities as were

Trustees Names.

granted by the said Act made in the Eighteenth Year of his present Majesty's Reign, to Trustees therein particularly named, and to their Successors, the Honourable Edward Digby, the Honourable George Shirley, Esquires; Sir Charles Mordaunt, Sir Walter Wagstaff, Baget, Thomas Archer, Henry Archer, William Holbech, James Kendall, William Bumpsted, Matthew Wise, James Newsham, Saunderson Miller, and George Lucy, Esquires; and that the said former Acts, and all and every the Powers and Clauses therein contained (except such Tolls, Clauses, Matters, and Things, as are hereby varied, altered, or amended) shall continue in full Force, and be executed from the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and that this Act, and all the Powers and Clauses herein contained, shall commence and take effect from and after the Twentieth Day of June, One thousand seven hundred and fifty-eight, and shall be executed and be in full Force for and during the Continuance of the said former Acts, and the said further Term hereby granted.

The recited Acts further continued for 21 Years.

Provided always, and be it further enacted by the Authority aforesaid, That no Person hereby appointed shall be capable of acting as a Trustee, unless he shall be qualified in such Manner as is mentioned in the said Act made in the Eighteenth Year of His present Majesty's Reign; and if any such Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, or the said former Acts, or either of them, every such Person shall be subject to such Penalty as is inflicted by the said Act upon Persons acting as Trustees without being possessed of such Qualification as is thereby required; which Penalty shall be recovered and applied in such Manner as is therein directed.

Qualification of Trustees.

Penalty on Persons acting, if not qualified.

And be it further enacted by the Authority aforesaid, That the Trustees appointed by or in pursuance of the said former Acts, and this present Act, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall and may, from and after the said Twentieth Day of June, One thousand seven hundred and fifty eight, demand, receive, and take, at each and every of the Gate or Gates, Turnpike or Turnpikes, erected or to be erected in pursuance of the said former Acts, or either of them, or this present Act, upon, across, or on the Sides of the Roads intended to be repaired by the said former Acts, instead of the Tolls thereby granted, the Tolls following, before any Horse or other Cattle, or any Carriage whatsoever,

The Tolls following to be taken instead of those granted by the former Acts.

whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls. For every Coach, Landau, Berlin, Chariot, Phaeton, Calash, Chaise, Chair, Hearse, Caravan, or Litter, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Four Horses, Mares, Geldings, or Mules, Nine Pence; and drawn by less than Four Horses, Mares, Geldings, or Mules, Six Pence.

And for every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses, or other Cattle, Eight Pence; and drawn by less than Four Horses, or other Cattle, Six Pence.

And for every Horse, Mare, Gelding, Mule, Ass, Ox, Bullock, or Beast, loaden or unloaden, not drawing, One Penny.

And for every Drove of Oxen, or Neat Cattle, Ten Pence per Score; and so in Proportion for every less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, Five Pence per Score; and so in Proportion for every less Number.

Tolls how to be paid. Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of the said former Acts, or either of them, or this present Act, shall be subject to the Payment of Toll for afterwards passing through the same Turnpike the same Day, or before Twelve of the Clock in the Night of any such Day, with the same Cattle, Coach, Waggon, or other Carriage; nor shall any Person be subject to the Payment of Toll more than once for passing with the same Cattle, Coach, Waggon, or other Carriage, the same Day, or before Twelve of the Clock in the Night of any such Day, through all or any of the Turnpikes erected or to be erected on or between Edgehill and Gaydon, or more than once between Gaydon and the Mile Stone in Gerard Lane in the Borough of Warwick, or more than once between the said Mile Stone and Knowle, or more than once between Knowle and Birmingham, or more than once on or between Edgehill and Pillarton, or more than once between Pillarton and Stratford upon Avon, or more than once between Stratford upon Avon and Henley in Arden, or more than once between Henley in Arden and Birmingham; but that all Persons, after having paid Toll, shall pass Toll-free through the Turnpike

pike where such Toll was paid, and through the Turnpikes on such respective Parts of the said Roads as aforesaid, during the Remainder of such Day, and until Twelve of the Clock in the Night of such Day, upon producing a Note or Ticket of such Payment; which Notes or Tickets the Collector or Collectors of the Tolls is and are hereby required to give gratis to every Person on Receipt of the Toll; it being the true Intent and Meaning of this Act, that the above mentioned Tolls shall be paid twice, and no more, on or between Edgehill and the Mile Stone in Gerard Lane aforesaid, and twice, and no more, between the said Mile Stone and Birmingham, and twice, and no more, on or between Edgehill and Stratford upon Avon, and twice, and no more, between Stratford upon Avon and Birmingham; any thing herein, or in the said former Acts, contained to the contrary thereof notwithstanding.

Tolls to be paid but once a Day at One Gate only between *Partloe Gate*, and *Henley Gate*, or between thence and *Stratford*.

Provided always nevertheless, and be it further enacted by the Authority aforesaid, That no Person who shall have paid Toll for passing through the Turnpike-gate called Partloe Gate, shall be subject to the Payment of Toll for afterwards passing through the Turnpike-gate at Henley aforesaid, called the Henley Gate, or any other Turnpike that shall or may be erected between Stratford and Henley aforesaid the same Day, or before Twelve of the Clock of the Night of any such Day, with the same Cattle, Coach, Waggon, or other Carriage; nor shall any Person, who shall have paid Toll for passing through the said Henley Gate, be subject to the Payment of Toll for afterwards passing through the said Partloe Gate, or any other Turnpike that shall or may be erected between the said Henley Gate and Stratford upon Avon aforesaid, the same Day, or before Twelve of the Clock of the Night of any such Day, with the same Cattle, Coach, Waggon, or other Carriage.

Tolls vested in the Trustees,

And be it further enacted by the Authority aforesaid, That the said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, accounted for, and applied or assigned to and for the several Uses and Purposes, and in such Manner, as the Tolls granted by the said former Acts were thereby directed or authorized to be paid, accounted for, and applied or assigned, except in such Matters and Cases wherein it is otherwise directed or provided by this Act; subject nevertheless to the Payment of all the Monies due and owing upon the Credit of the said former Tolls respectively, and the Interest due and to grow due for the same; and they the said Trustees, or any Five or more of them, or such Person or Persons as they,

but subject to Payment of the Monies borrowed thereon.

they, or any Five or more of them, shall appoint, are hereby vested with the same Powers and Authorities for demanding, levying, recovering, and applying the Tolls hereby granted, as in and by the said former Acts, or either of them, is or are given for demanding, levying, recovering, and applying the Tolls thereby granted, as fully and effectually as if such Powers and Authorities were herein again repeated and re-enacted, except in such Matters and Cases wherein it is otherwise directed and provided by this Act.

And whereas there are large Arrears of Interest now due upon several Principal Sums which have been borrowed by virtue of the said first-mentioned Act, on the Credit of the Tolls arising at the several Turnpike-gates in the Road leading from Spark Brook near Birmingham, through Warwick to Warmington; which Arrears have been suffered to accumulate by the Persons intitled thereto, in order that the said Tolls might be applied in the necessary Repairs of the said Roads, and it is proper that some Provision should be made, for securing the said Arrears, with Interest, to such Persons until the same are discharged; be it therefore enacted by the Authority aforesaid, That all Arrears of Interest now due, or that shall be due on or before the Twenty fourth Day of June, One thousand seven hundred and fifty eight, upon, for, or in respect of the said Principal Monies, amounting to Three thousand six hundred and fifty Pounds, which have been borrowed on the Credit of the Tolls arising at the several Turnpike-gates, in the said Road leading from the said Brook through Warwick to Warmington, shall be added to, consolidated with, and deemed Part of the Capital Sums, for or in respect whereof such Arrears shall have accrued, and the several Persons to whom such Arrears shall be due, shall have and receive Interest in respect thereof, after the Rate of Four Pounds per Centum per Annum, from the said Twenty fourth Day of June, until such Arrears shall be fully paid and discharged, in such and the same Manner, and with such Powers for Recovery thereof, to all Intents and Purposes, as if such Arrears had been Principal Monies advanced upon the Credit of the said Tolls, notwithstanding such Principal Monies shall, by such Consolidation, amount to more than the Sum of Four thousand Pounds, limited to be borrowed on the Credit of the said Tolls, by the said Act made in the Eighteenth Year of His present Majesty's Reign, which Interest shall be paid out of the Tolls collected upon the said Road; any thing herein,

Arrears of Interest due on 24 *June*, 1758, to be added to the Capital Debt, and carry 4 *l. per Cent.* Interest.

in, or in the said former Acts, contained to the contrary notwithstanding.

Provided nevertheless, That no Part of the Interest which shall become due after the said Twenty fourth Day of June, upon the said Principal Sum of Three thousand six hundred and fifty Pounds, or upon the said Arrears so consolidated as aforesaid, shall be required to be paid by any of the Persons intitled thereto, before the Twenty fourth Day of June, One thousand seven hundred and fifty one; at which Time, or as soon thereafter as conveniently may be, all the Interest which shall have become due within the Three preceding Years upon the said consolidated Monies, shall be paid and discharged. But no Interest which shall become due after that Day, shall be demanded or paid before 24 *June*, 1761.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time to borrow and raise any Sum or Sums of Money, on the Credit of the Tolls arising on the Road leading from a Place called Spark Brook to Henley in Arden, not exceeding in the Whole, the Sum of Two thousand Pounds, including the Money already borrowed thereon, at any of their Publick Meetings for that Part of the said Road; and also to borrow and raise any Sum or Sums of Money on the Credit of the Tolls arising on the Road leading from Henly in Arden to the Top of Edghill, not exceeding in the Whole the Sum of Three thousand Pounds, including the Money already borrowed thereon, at any of their Publick Meetings for that Part of the said Road; and by any Writing or Writings under their Hands and Seals, to assign over and mortgage the Tolls hereby made payable on such respective Parts of the said Road, for any Term during the Continuance of the said former Acts and this present Act (the Costs and Charges of assigning the same, to be paid out of such respective Tolls) as a Security or Securities for the Sum or Sums of Money so borrowed, to the Person or Persons advancing the same, to secure the Repayment thereof with Interest not exceeding Four Pounds and Ten Shillings for One hundred Pounds by the Year, and the Monies so to be borrowed shall be applied on such respective Parts of the said Road, on the Credit whereof the same shall be borrowed as aforesaid, and not elsewhere; any thing in the said former Acts, or either of them, or in this present Act, to the contrary notwithstanding; and that each or any of such Mortgages or Securities, or any Part or Parts of the Principal Monies thereby secured, and the Interest thereupon, may be from time to time assigned over by the Person or Persons to whom such Mortgages or Securities shall be made,

An additional Sum of Money may be borrowed on the Tolls between *Spark Brook*, and *Henley*,

and also on the Tolls between *Henley* and *Edghill*.

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

Securities may be assigned.

made, by such Monies shall be owing by, or to their Executors, Administrators, or Assigns, to any other Person or Persons; and the Mortgages and Assignments so to be made as aforesaid; and all Orders, Matters, and Things, relating to the Execution of the said former Acts, or either of them, and of this present Act, shall be entered in a Book or Books to be kept by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which Book or Books shall or may be inspected, at all reasonable Times, by any Person or Persons whomsoever; and the Sum of Six Pence, and no more, shall be paid to the Person or Persons keeping the said Book or Books for every such Inspection.

Assignments to be entered in a Book.

Clerks Fee.

And whereas all the principal Monies and Interest borrowed and charged upon the Turnpike Gates, called Camphill and Deritend Gates, erected on that Part of the said Road, called the Joint Road, have been paid off and discharged, and it being the true Meaning of the said former Acts, and this present Act, that all the Tolls arising at the said Gates, after the said Joint Roads so repaired, shall be divided and applied, as hereafter is mentioned: Now to prevent any Doubts touching the future Application of the said Tolls; be it enacted by the Authority aforesaid, That the Profits and Tolls arising from the said Camphill and Deritend Gates, after the Charges of procuring this Act are defrayed, and the Expences of the Repairs of the said Joint Road are from time to time discharged, shall be equally divided, and One Moiety thereof be paid and applied in such Manner as the Tolls arising on the said Road, from the said Spark Brook, through Warwick to Edghill, are by this Act directed to be paid and applied; and the other Moiety thereof shall be paid and applied to and for the Repairs of the said Road, from Spark Brook, to the House now known by the Sign of the Golden Cross in Henley in Arden aforesaid, and for no other Use or Purpose whatsoever, and that no Gates shall for the future be mortgaged upon the said Camphill and Deritend Gates, any thing in the said former Acts, or this present Act, or either of them, contained to the contrary notwithstanding.

Profits of the Tolls from *Camphill* and *Deritend Gates*, how to be applied.

And, to prevent any Doubts with respect to the Application of the Tolls arising on the said Roads, from Spark Brook through Warwick and Stratford, to the Top of Edghill; be it enacted by the Authority aforesaid, That all the Tolls arising on the Road from Spark Brook aforesaid, to the Sign of the Golden Cross in Henley in Arden aforesaid, shall be applied to the Repair of that Part of the said Road, and not elsewhere; and that all

Tolls on the Road from *Spark Brook* to *Henley* how to be applied.

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the Tolls arising on the Road from the said Golden Cross to the Top of Edghill aforesaid, shall be allotted and applied in the Repair of the said Road, in Manner following; that is to say, In the Repair of that Part of the said Road, from the Golden Cross to Stratford Bridge, and in the Repair of the other Part of the said Road from Stratford Bridge to the Top of Edghill, in Proportion to the Number of Miles in such respective Parts of the said Road, and not elsewhere; and that all the Tolls arising on the Road from the said Spark Brook, through Warwick, to the utmost Limits of the said County of Warwick, shall be allotted and applied in the Repair of such Road, in Manner following; that is to say, In the Repair of that Part of the said Road from Spark Brook, to the Mile Stone, in a Lane called Gerrard Lane in Warwick, and in the Repair of the other Part of the said Road from the said Mile Stone, to the utmost Limits of the said County, in Proportion to the Number of Miles in such respective Parts of the said Road, and not elsewhere.

Tolls from *Henley* to *Edghill* how to be applied.

Tolls from *Spark Brook* to *Warwick* how to be applied.

And whereas the Sum of Three hundred and twenty five Pounds principal Money, with an Arrear of Interest, is now due on the sole Credit of the Tolls arising at the Side Gate near Stratford Bridge, called Tiddington Gate, to the Representatives of Richard Goode deceased: And whereas it is proper that after Payment of the said principal Sum, and the Interest thereupon, the said Gate should be discontinued; be it therefore enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty eight, all the Tolls collected at the said Turnpike called Tiddington Gate, shall be, from time to time, applied in discharging and paying the said principal Sum of Three hundred and twenty five Pounds, and the Interest now and hereafter becoming due thereupon, and to no other Use or Purpose whatsoever; and that after such principal Money and Interest are fully paid and discharged, the said Gate called Tiddington Gate, and the Turnpike House, with the Appurtenances, shall be taken down, and no other Turnpike shall be erected between Stratford Bridge and the Village of Tiddington, during the Continuance of the said former Acts, or this present Act.

Tolls at *Tiddington Gate* to be applied in Payment of the Principal Interest due thereon, and the Gate to be afterwards taken down.

And whereas the Tolls arising at the said Tiddington Gate, and a Gate called Banbury Gate, erected on the said Road between Stratford and Edghill aforesaid, are jointly mortgaged for securing other Monies borrowed on the Credit of the said Tolls arising between Stratford and Edghill aforesaid; and as the taking away the said Tiddington Gate may lessen such Securities, be it enacted by the Authority aforesaid, That all and every Side Gate

or

the Side Gates between *Stratford* and *Edghill*, to be Security for the Monies borrowed on the Tolls of that Road.

or Side Gates that shall or may be erected on the said Road between Stratford and Edghill aforesaid, shall, after after the said Tiddington Gate is taken down, be subject and liable to the Payment of the said Principal Monies and Interest borrowed as aforesaid; in such Manner as the said Tiddington Gate is now subject and liable to the Payment thereof.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, or any other Person or Persons (having an Order under the Hands of the said Trustees, or any Seven or more of them, for those Purposes respectively) to make 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, any Bridge or Bridges, or Arch or Arches, of Stone, Brick, or Timber, upon or in the said Roads, or over any Brook or Watercourse in any Part or Parts thereof; and such Bridges and Arches shall be, and are hereby, vested in the said Trustees, and their Successors, during the Continuance of the said former Acts, and this Act; and they, or any Seven 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 of their Treasurer or Clerk, or to prefer and prosecute, or cause to be preferred and prosecuted, any Bill or Bills of Indictment, or other Prosecutions, against any Person or Persons who shall designedly and wilfully injure or disturb them in the Possession of the Property thereof.

erect Bridges, &c.

Bridges vested in the Trustees.

And whereas some Doubts have arisen whether the Adjournments for holding several Meetings of the Trustees for executing the said former Acts, have been made by a proper and sufficient Number of Trustees, whereby the Proceedings at such Meetings may be hereafter drawn into Question, to the Prejudice of several Persons, and Discouragement of the Execution of the said former Acts, and this Act; be it therefore enacted by the Authority aforesaid, That all Orders and Transactions relating to the Execution of the said Acts, or either of them, in which such Number of Trustees shall have concurred and agreed, as was equal to or exceeded the Number of Trustees appointed or authorized by the said Acts, or either of them, to make or perform such Orders or Transactions, shall be and are hereby declared to be as valid, as if the same had been made and performed at Meetings held in pursuance and according to the Directions of the said Acts, or either

Orders, &c. made by a proper Number of Trustees in pursuance of the former Acts, deemed valid.

of

of them; any thing therein contained to the contrary notwithstanding.

In Default of a sufficient Number to act, Meeting to be adjourned.

And be it further enacted by the Authority aforesaid, That if a sufficient Number of Trustees shall not appear at any Meeting to act, or to adjourn to another Day, in each and every such Case, the Clerk or Clerks to the said Trustees shall, from time to time, adjourn such Meeting to be held at the same Place, within the Space of Two Calendar Months from such Adjournment; and shall give Notice thereof under his or their Hand or Hands in Writing, to be affixed on Two or more of the Turnpike Gates erected or to be erected in the respective Road, for and in relation whereto such Meeting was intended to be held, Ten Days at the least before the holding of such next Meeting.

Trustees may remove Turnpikes, &c. and fix them in any other Place.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall be and are hereby impowered from time to time to remove all or any such Gates or Turnpikes as now are or shall hereafter be erected on the said Roads; and to erect and set up such other Gates or Turnpikes in such other Places on the said Roads, as they the said Trustees, or any Nine or more of them, shall think proper.

After 20 *June*, 1758, Contracts relating to farming the Tolls declared void.

And be it further enacted by the Authority aforesaid, That from and after the said Twentieth Day of June One thousand seven hundred and fifty eight, all Leases of, and Contracts for, or relating to the farming or letting of all or any Part of the Tolls granted by the said former Acts, or either of them, shall be and are hereby declared to be null and void; any thing in the said former Acts contained to the contrary notwithstanding.

Trustees may farm, &c. the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to farm or let out all or any Part of the Tolls hereby granted, in such and the same Manner as the Tolls mentioned in the said former Acts, or either of them, might have been by virtue thereof farmed and let out; any thing herein contained to the contrary notwithstanding.

Trustees may compound with Persons for Statute-work.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to compound and agree at a Public Meeting with any Person or Persons for a certain Sum of Money by the Year, or otherwise, in lieu of the Statute-work he, she, or they, are liable to perform, by virtue of this or any former Act or Acts, on any Part of the said Roads, and in lieu of the Rates he, she, or they, are liable to pay as aforesaid; and it

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

shall and may be lawful for the Surveyor or Surveyors of the Highways of any Parish, Township, or Hamlet, or any other Person, with the Consent of the Majority of such of the Inhabitants who shall be assembled at a Vestry, or other Public Meeting to be held for that Purpose, to compound and agree from time to time by the Year, with the said Trustees, or any Seven or more of them, for a certain Sum of Money in lieu of the Statute-work to be performed, and the Rates to be paid, by such Inhabitants as aforesaid, which Composition Monies shall be paid at the Time of making such Agreement; and all such Surveyors by whom such Compositions shall be made as aforesaid, shall be reimbursed the Composition Money so paid by them, in such Manner as by the Laws now in being Surveyors of the Highways are to be reimbursed the Monies by them expended in repairing or buying Materials for repairing the Highways.

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

After 24 *June*, 1758, Compositions for Tolls to cease.

And be it further enacted by the Authority aforesaid, That all Agreements and Compositions between the Trustees for putting in Execution the said former Acts, or either of them, with any Person or Persons for Payment of the Tolls granted by the said Acts, or either of them, and all Orders relating thereto, shall, from and after the Twenty fourth Day of June One thousand seven hundred and fifty eight, cease, determine, and be utterly void and of no Effect; any thing in the said Acts, or either of them, contained to the contrary notwithstanding.

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by the said former Acts, or either of them, or this present Act imposed, the Recovery whereof is not otherwise directed by this Act, shall be recovered by Distress and Sale of the Offender's Goods and Chattles, by 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 Borough respectively wherein such Penalties and Forfeitures shall be incurred, or wherein the Offender or Offenders shall reside; which Warrant or Warrants the said Trustees, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) and the said Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold,

sold, shall go and be applied (if not otherwise directed to be applied by this Act) for and towards repairing the Road whereon or in relation whereto such Offence shall be committed; and in case sufficient Distress shall not be found, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Justice or Justices, by Warrant or Warrants under their Hands and Seals, or Hand and Seal, to commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Three Months, nor less than Ten Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all the Costs and Expences of procuring this Act, shall (as soon as may be after the passing of this present Act) be paid out of the Monies collected, or to be collected or borrowed by virtue of the said former Acts, and this present Act, either or any of them.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves, aggrieved by any thing done, or to be done, in pursuance of this Act, or the said former Acts, or either of them, and for which no particular Method of Relief hath been already hereby appointed, it shall and may be lawful to and for such Person or Persons, within the Space of Four Months after the Cause of Complaint shall happen, to appeal to the Justices at their General Quarter Session of the Peace, to be held in and for the County or Place wherein the Cause of Complaint shall arise, who are hereby required to take Cognizance of, and to hear and determine such Appeals; and if they see Cause, shall and may, by Order of such Session, mitigate at their Discretion, all or any Part of the Penalties and Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretions shall seem reasonable, and may make such other Orders in relation to the Matters of such Appeals, as to such Justices so assembled shall appear reasonable and proper; and shall raise and levy by their Order or Warrant, such Costs so awarded by Distress and Sale; and for want of sufficient Distress, shall commit the Party or Parties to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Space not exceeding Three Months, nor less than Ten Days, unless such

Costs

10 Days Notice of Appeal to be given,

and Recognizance to be entered into.

Costs shall be sooner paid; but the Person or Persons so appealing as aforesaid, shall give Notice in Writing to the Clerk or Clerks, Treasurer or Treasurers, of the said Trustees, of the Intention to bring any such Appeal, Ten Days at least before such Quarter Session, and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, with Condition to try such Appeal at the next Quarter Session, and also in case such Appeal shall be disallowed, to pay such Costs as the said Justices shall direct in that Behalf; and every such Appeal shall, at such Session, be then heard and finally determined.

Order, &c. not to be quashed for want of Form,

nor removeable by *Certiorari*.

Provided also, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, or the said former Acts, or either of them, shall be quashed or vacated for want of Form only; or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

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

And be it further enacted by the Authority aforesaid, That no Trustee or Trustees for putting the said former Acts and this Act in Execution, shall make any Order, or do any Act in the Execution of the Powers thereby and hereby given, unless at a Meeting of Trustees to be held in pursuance of the said former Acts or this present Act.

Additional Trustees Names.

And whereas by the said Act made in the Eighteenth Year of the Reign of His present Majesty, the Honourable Edward Digby, the Honourable George Shirley Esquires; Sir Charles Mordaunt, Sir Walter Wagstaff Bagot, Thomas Archer, Henry Archer, William Holbech, James Kendall, William Bumpsted, Matthew Wise, James Newsham, Saunderson Miller, and George Lucy, Esquires; were appointed Trustees for putting in Execution certain Powers thereby to them granted: And whereas Three of the said Trustees are since deceased, and no others have been chosen in their Stead; be it therefore enacted by the Authority aforesaid, That the Right Honourable Frederick North commonly called Lord North, John Spencer, and William Craven, Esquires; shall, from and after the passing of this Act, be added to and joined with the Survivors of the said Trustees, in the Execution of the Powers granted to the said Trustees by the said Act, in such and the same Manner, and as fully and effectually to all Intents and Purposes, as if they the said Frederick Lord North, John Spencer, and William Craven, had been particularly appointed

appointed Trustees in the said Act, for the Purposes for which the said Trustees were appointed.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Survivors of the said last-mentioned Trustees, together with the Trustees hereby appointed and joined with them, or any Seven or more of such Trustees, at any Time or Times hereafter, with the Consent of the Mortgagee or Mortgagees of the said Tolls respectively, or with the Consent of the Mortgagee or Mortgagees, who shall be Creditor or Creditors for Two Thirds at the least of the whole Monies which shall then be owing upon such respective Tolls, to lessen and reduce all or any Part of the Tolls hereby granted, upon all, any, or either of the said Roads, and at any Time afterwards to raise all or any Part of such Tolls, to any Rate not exceeding the respective Rates hereby granted; and such Tolls so reduced or raised, shall be collected, recovered, and applied, or assigned in such Manner, and to and for such Uses and Purposes, as the Tolls hereby granted, may be collected, recovered, and applied, or assigned, and in no other Manner whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done or to be done in pursuance of the said former Acts, or either of them, or this present Act, every such Action and Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid or brought in the County wherein the Cause of Action did arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said former Acts and this present 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 the said former Acts or of this present Act; and if the same shall appear to have been so done, or that such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall or may recover Treble Costs, and have such Remedy for the same, as any De-

General Issue.

Treble Costs.

fendant or Defendants hath or have in any Case by Law.

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

FINIS.