Anno decimo

Georgii III. Regis.

An Act to continue, amend, and render more effectual, the ſeveral Acts now ſubſiſting for repairing the Road from *Dunchurch* to *Stone-bridge* in the County of *Warwick*.

WHEREAS an Act was made in the Tenth Year of the Reign of His late Majeſty King George the Firſt, for repairing the Road from Dunchurch, in the County of Warwick, to the Bottom of Meriden-hill, in the ſame County, which was to take Place and have Continuance from the Twenty-fifth Day of July One thouſand ſeven hundred and twenty-four, for the Term of Twenty-one Years: And whereas the Term and Powers by the ſaid Act granted, were, by another Act paſſed Preamble, reciting Acts 10 *Geo.* I, 13 *Geo.* II,

passed in the Thirteenth Year of the Reign of his late Majesty King George the Second, continued for the further Term of Twenty-one Years: And whereas another Act was made and passed in the Twenty-sixth Year of the Reign of his said late Majesty King George the Second, whereby the respective Terms and Powers of the said recited Acts were (together with sundry new Provisions and Amendments then granted and established) not only continued for the further Term of Twenty-one Years on the Conditions therein mentioned, but also extended, from and after the First Day of June, One thousand seven hundred and fifty-three, to the surveying, ordering, repairing, amending, and keeping in Repair, an additional Piece of Road from the Bottom of Meriden-hill aforesaid, to Stone-bridge in the Parish of Great Packington, in the County of Warwick, then in a ruinous State, and not to be repaired by the ordinary Course of Law: And in order to the Amendment of the said additional Road, it was enacted, That the Sum of Twenty-five Pounds should, by a certain Day thereby limited, be paid, out of the Tolls collected by virtue of the said Acts, to the Surveyors of the Highways of the said Parish of Great Packington, to be by them applied towards the repairing so much of the said additional Road as lay within the same Parish; and that afterwards the yearly Sum of Ten Pounds should, on or before the First Day of June in every Year, be paid out of the said Tolls, in certain Proportions to be fixed by the said Trustees, to the Surveyors of the Highways of the said Parishes of Great Packington and Meriden respectively, to be by them laid out and expended in repairing the said additional Road from the Bottom of Meriden-hill to Stone-bridge aforesaid: Provided nevertheless, that the Trustees under the said recited Acts, should not be liable to the Payment of any further Sums of Money than the said Twenty-five Pounds, and Ten Pounds a Year, unless Eleven or more of them, after all Debts and Incumbrances affecting the said Turnpike were discharged, should think fit to make any further Allowance towards the Repair of the said additional Road: And whereas the principal Sum of Two thousand five hundred and fifty Pounds (which was originally borrowed, and hath been continued at Interest many Years on the Credit of the said Acts, or some or One of them, towards repairing and amending the said Roads) still remains a Debt upon the Tolls;

and 26 *Geo.* II.

Tolls; and the Creditor, in respect of the said Debt, is desirous of receiving the said Principal Sum, together with the Interest due thereon: And whereas in order to facilitate the raising a competent Sum of Money wherewith to discharge the said Principal and Interest, and also to provide for the effectual repairing and maintaining the whole Extent of the said Road from Dunchurch to Stone-bridge (which in many Parts, and especially in that Part which lies beyond the Bottom of Meriden-hill, still continues in a ruinous Condition) and that Relief may be given in certain Cases where the present Provisions of the said Acts have been found inconvenient and burthensome, it is expedient that the Terms of the said Acts should be enlarged, and the Powers therein contained be varied, explained, and rendered more effectual: For which Purposes, may it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Clauses, Powers, Penalties, Forfeitures, Provisions, Matters, and Things whatsoever therein contained, shall, with respect to the whole Extent of the said Road from Dunchurch to Stone-bridge aforesaid, be, and the same are hereby further continued, from the Expiration of the several Terms now subsisting for the Repairs of the said Road, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and shall, and the same are hereby declared and enacted to extend unto, and in all Respects operate and be executed for and concerning the repairing and amending the said Road from the Bottom of Meriden-hill aforesaid to Stone-bridge, as fully and effectually to all Intents and Purposes, as if the same Road had been originally Part of the Turnpike Road comprehended in all the said Acts, and directed to be repaired by the Tolls and Duties thereby granted and made payable; subject nevertheless to the Provisions, Amendments, Alterations, Directions, and Additions herein after contained.

The recited Acts continued for the further Term of 21 Years.

And be it further enacted, That it shall and may be lawful to and for the Trustees appointed, or to be appointed, by virtue of, or in pursuance of the said former Acts, or this present Act, or any Seven or more of them, at

Trustees may borrow Money on the Credit of the Tolls.

at their First, or any subsequent Meeting to be held after the Passing of this Act, to borrow and take up at Interest, on the Credit of the Tolls and Duties by the said former Acts and this present Act granted and continued, such Sum or Sums of Money as they, or any Seven or more of them, shall think fit, as well for the satisfying and discharging the said principal Sum of Two thousand five hundred and fifty Pounds, and the Interest thereof, as also for the effectual carrying on the Repairs of the said Roads, and compleating the same; so that such Sum or Sums of Money, so to be borrowed, do not exceed in the Whole the Sum of Five thousand Pounds; and the said Trustees, or any Seven or more of them, being so in publick Meeting assembled, may and they are hereby impowered, by an Instrument upon Common Paper or Parchment without Stamps, and under their Hands only, to assign over the said Tolls, or any Part or Parts thereof, as a Security to any Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same, according to the following Form of Words, or to a like Effect; that is to say,

Tolls may be assigned for Money borrowed.

Form of Assignment.

BY virtue of an Act made in the Tenth Year of the Reign of His present Majesty King *George* the Third, for repairing the Road from *Dunchurch* to *Stone-bridge*, in the County of *Warwick*, we of the Trustees for the Road aforesaid, do assign unto *A B*, his Executors, Administrators, and Assigns, in Consideration of the Sum of from this Day of until the said Sum of with Interest, at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Tolls arising by virtue of this or any former Act or Acts made concerning the same Road, or any Part thereof, as the said Sum of shall bear to the whole Sum advanced, or to be advanced on the Credit thereof, and which is limited not to exceed the Sum of Five thousand Pounds in the Whole: As witness our Hands

The Costs and Charges of which said Assignments shall be borne and defrayed out of the said Tolls; and Copies of all such Agnments shall be entered at length in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees for the Time being; but no Money shall be borrowed upon the Credit of the said Tolls, after such

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

First Meeting, unless previous Notice be for that Purpose fixed in Writing upon all the Turnpikes erected, or to be erected in or upon the said Road, and also advertised in some Weekly Journal or News-paper usually circulated in the Neighbourhood thereof, at least Twenty-one Days before the borrowing of such Monies; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, and their legal Representatives, shall and may at any Time or Times afterwards, as they shall see Occasion, transfer his, her, or their Right, Title, and Interest under such Assignments respectively, to any other Person or Persons, by an Indorsement without Stamps upon the original Security, signed in the Presence of and attested by One credible Witness, in the following Form of Words, or Words to the like Effect, to wit, Assignments may be transferred.

I Do transfer this Assignment, with all my Right and Title to the Principal Money thereby secured, and to all the Interest now due thereon, to his Executors, Aministrators, or Assigns. Dated this Day of Form of Transfer.

Witness *J K.* *G H.*

Which said Transfer shall be produced and notified to the said Clerk, who shall cause a Memorial, expressing the Numbers, Dates, Names of Parties, and Sums of Money transferred, to be forthwith made in the aforesaid Book or Books kept for the entering the said original Assignment; for which the said Clerk shall be paid Two Shillings and Sixpence, and no more; and after such Entry made, but not till then, every such Transfer shall intitle the Assignee therein named, his, her, and their Executors, Administrators, and Assigns, to the full Benefit of the original Assignment, and to the Payment of all Monies both Principal and Interest due, and recoverable thereupon; and every such Assignee may, in like Manner, transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall have made any such Transfer or Transfers, to vacate, release, or discharge the same, or any Monies thereby due or payable, or any Part thereof; and all and every Person and Persons to whom any such Assignment shall be made and executed by the said Trustees as aforesaid, shall be Creditors upon the said Tolls to them respectively Clerk's Fee.

All Creditors to be deemed equal in Degree.

tively assigned, according to the Proportion of the Sums by every of them advanced, in an equal Degree one with another, without any Preference or Priority in Point of Security, and without regard to any Order of Time in which the said several Sums may be borrowed and advanced.

And whereas the Road leading from Coventry to Southam, in the County of Warwick, is, for about Three Miles thereof, to wit, from Coventry aforesaid to Finford-bridge, Part of the Road intended to be repaired by virtue of the said recited Acts; and from Finford-bridge to Southam, and from thence to Banbury, in the County of Oxford, is, by a late Act of Parliament, also made Turnpike Road: And whereas Gates are erected on both the said Turnpike Roads, in such Manner, that the Inhabitants of the Towns and Villages adjoining to the last-mentioned Road from Finford-bridge to Southam, or branching off therefrom, are made liable to the Payment of Toll at each of the said Turnpike-gates (although the whole Tract of mended Road on both the said Turnpikes, of general Use to the Inhabitants aforesaid, amounts only to about Eight Miles in Length); on which Account it is just and reasonable, either that some Relief should be given to the said Inhabitants against the Exorbitancy of the said Tolls, or that an annual Sum of Money should be paid in Augmentation of the Revenue of the said Southam Road, which Revenue, at present, is inadequate to the Services and Repairs thereof; be it therefore further enacted, That from and after the Twenty-fourth Day of June, One thousand seven hundred and seventy, all Waggons and Carts, after having paid the Toll at the Turnpike-gate called Stretton-gate, upon the Southam Road, shall, upon producing a Ticket to the Collector at the Gate at Finford-bridge aforesaid, importing that such Toll has been paid on that Day at the said Stretton-gate (the Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night) be permitted and intitled to pass through the said Gate at Finford-bridge, with the same Waggons and Carts, and drawn by the same Horses respectively, upon Payment of One Moiety of the Toll demandable thereat; unless the Trustees appointed, or to be appointed, by virtue or in pursuance of the said former Acts, or this present Act, shall think fit, yearly, and every Year, at or before the Twenty-fourth Day of June in every Year, to pay and allow to the Trustees for the said Southam Road for the Time being, out of the Tolls

After 24 *June*, 1770, Waggons, &c. having paid the Toll at *Stretton-gate*,

to pay only Half Tolls at *Finford-bridge*;

unless 40*l.* be paid annually, in lieu thereof, to the Trustees of the *Southam* Road.

Tolls and Duties granted and continued by the said former Acts, and this present Act, the yearly Sum of Forty Pounds, to be laid out and applied towards the Repairs of the said Turnpike Road from Finford-bridge aforesaid to Southam; in which Case, and upon Payment or Tender of any such Sum, on or before the Day aforesaid, in every Year, to the Clerk or Treasurer of the Trustees for the said Southam Road for the Time being, to the Use of the same Trustees, the Tolls and Duties granted and made payable by virtue of the said former Acts, and of this present Act, shall and may be demanded and taken at the said Turnpike-gate at Finford-bridge aforesaid, in the same Way as the same might be demanded and taken before the passing of this Act, without any Diminution or Abatement whatsoever; and from thenceforth continue to be demanded and taken, in like Manner, so long as the said yearly Payment or Tender shall continue to be made.

And whereas the Turnpike Road intended to be repaired by virtue of the said former Acts, and this present Act, lies, for about a Mile thereof, or more, along the Streets of the City of Coventry, and the Suburbs of the said City, the Pavements whereof are maintained and kept in Repair at the sole Costs and Charges of the Inhabitants of the said City, under a local Law passed for that Purpose; but the said Inhabitants are nevertheless liable (as the Provisions of the said former Acts now stand) to the Performance of Statute-labour upon the said Turnpike Road, which hath been found to be hard and oppressive; be it therefore enacted, That from and after the Passing of this Act, no Person being an Inhabitant of any Parish or Place within the said City of Coventry, or Suburbs thereof, through which the said Turnpike Road doth lead, and being actually assessed or assessable towards the repairing and maintaining the said Pavements, for and on account of any Messuages or Tenements in their Possession and Occupation, lying within the said City or Suburbs, shall be subject or liable to the Performance of Statute-labour upon the said Turnpike Road, or to any Forfeiture, Penalty, or Payment for Nonperformance thereof in respect to the said Messuages or Tenements so situate within the said City or Suburbs; and that it shall and may be lawful to and for the Trustees of the same Road for the Time being, or any Five or more of them, at any of their publick Meetings assem-

Persons assessed to the Pavements in *Coventry*, exempted from Statute-work.

bled, to iſſue and apply, out of the Tolls and Duties granted and continued by this and the ſaid former Acts, ſuch Sum and Sums of Money as they from Time to Time ſee expedient for the repairing, improving, and keeping in Repair any Part of the ſaid Road lying within the Suburbs or reputed Suburbs of the ſaid City, and particularly that Part thereof which is ſituate between a certain Place called Spon Bar Gates and the Turnpike in Spon End, the ſame being in its preſent State incommodious and often impaſſable.

Occupiers of Lands in the Pariſh of *Alleſley*, exempted from Payment of Tolls for Manure.

And whereas a Turnpike hath been erected at a Place called Spon End, in the Pariſh of Saint Michael, in the Suburbs of the City of Coventry; and the Pariſh of Alleſley, in the County of Warwick, is the next Pariſh adjoining thereto; the Inhabitants of which Pariſh, under the preſent Terms and Proviſions of the ſaid recited Acts, are ſubject to the Payment of the Tolls and Duties collected at the ſaid Gate for the Carriage of all Lime and Manure through the ſame for the Improvement of their Lands, by reaſon that ſuch Lands are not ſituate in the Pariſh of Saint Michael aforeſaid, where the ſaid Gate is ſtanding, but in a different Pariſh, to wit, the ſaid Pariſh of Alleſley, which hath been found to be hard and inconvenient; be it therefore enacted, That from and after the paſſing of this Act, no Perſon, being a Farmer and Occupier of Lands within the ſaid Pariſh of Alleſley, ſhall be ſubject or liable to the Payment of any Toll or Duty at the ſaid Gate, for or in reſpect of any Muck, Lime, or Manure, drawn through the ſame, for the Improvement of their reſpective Gardens and Lands within the ſaid Pariſh of Alleſley, but ſhall be and remain diſcharged from the Payment of all ſuch Toll, in the ſame Manner as they would have been exempt therefrom had the ſaid Turnpike-gate not been removed out of the ſaid Pariſh of Alleſley, where the ſaid Gate lately ſtood; any Thing in this Act, or the ſaid former Acts, to the contrary notwithſtanding.

All Manure, except Lime, exempted from Toll between 1 *April* & 1 *October*,

And be it further enacted, That between the Firſt Day of April and the Firſt Day of October in every Year, no Perſon, being a Farmer or Occupier of Lands in any other of the Pariſhes or Places through which the Turnpike Road aforeſaid from Dunchurch to Stone-bridge doth lead, and performing, or liable to perform Statute-labour in or upon the ſame Road, and uſing any Waggon or other Carriage conſtructed in ſuch Manner as to be intitled

titled to the Privileges and Exemptions conferred by the General Laws now in being for regulating the Turnpike Roads of this Kingdom, shall be subject or liable to the Payment of any of the Tolls or Duties which may be demanded at any Turnpike-gate erected or to be erected by the Authority of this or the said former Acts, for or in respect of the Carriage of any Muck or Dung (except Lime) through the same, for manuring of Gardens or Land in any of the said Parishes or Places respectively; so nevertheless that such Muck or Dung be immediately drawn unto, and actually laid upon, the proper Gardens or Lands of the said Farmers or Occupiers respectively, and not left in any Part of the said Turnpike Road, or on the Side or Sides thereof, nor afterwards again brought thereupon.

Penalties on leaving Annoyances on the Road.

And be it further enacted, That if any Person shall leave any Waggon, Cart, or other Carriage in, upon, or on the Side of any Part of the said Road without any Horse or other Beast of Draught yoked thereto, or to draw the same; or shall lay any Sort of Timber or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever in any Part, or on the Side or Sides of the said Road, to the Prejudice or Annoyance thereof; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may lessen the Tolls,

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees appointed by virtue or in pursuance of the said former Acts, or this present Act, or any Seven or more of them, at any publick Meeting assembled, from Time to Time (in case it shall appear expedient) to lessen the Tolls for all Waggons or Carts laden with Grain, Fuel, or Manure, and in like Manner (if it shall also appear expedient) to lessen all or any of the several other Tolls granted and made payable for repairing the said Road from Dunchurch to Stone-bridge; so nevertheless as such Reduction be made with the Consent of the several Persons who for the Time being shall be Creditors upon the said Tolls, so long as the Total of the Principal Money due on their respective Securities shall amount in the Whole to One thousand Pounds or upwards; but when the Total of such Principal Money shall be less than One thousand Pounds, then such Reduction of the said Tolls may be made without any such Consent; and it shall be lawful also for the said Trustees, or any Seven or more of them (if it shall appear

with Consent of the Creditors;

and raise them again, if necessary.

appear expedient) at any Time or Times thereafter to raise the said Tolls again either in the Whole or in Part, as they think fit; so nevertheless as not to exceed the present Rate or Tolls to be collected and received upon the said Road; and such Tolls so lessened or raised again shall be collected, levied, and applied in such and the same Manner as they might have been collected, levied, and applied before the passing of this Act.

The present Security on the Tolls to be discharged, previous to the Commencement of any of the new Provisions.

Provided also, and be it further enacted, That the whole Benefit of this Act shall in the First Place extend, and be construed to extend, for strengthening and confirming the Security now subsisting upon the said Tolls for the said Principal Sum of Two thousand five hundred and fifty Pounds, and the Interest thereof; and that none of the Provisions herein before made concerning the general Repairs of the said Road from the Bottom of Meriden-hill aforesaid to Stone-bridge, as Part of the Turnpike Road to be amended by virtue of this and the said former Acts; or concerning the Relief intended for the Southam Road aforesaid; or concerning the Exemption of the Draught of Muck or Dung at a stated Season in the Year from Payment of Toll; or concerning the Reduction of the Tolls granted or made payable for the Repairs of the said Turnpike Road from Dunchurch to Stone-bridge; shall in any wise operate or take Effect, until the present Creditor, in respect of the said Principal Sum of Two thousand five hundred and fifty Pounds, and all Interest due thereupon, be fully paid and satisfied; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

Payment of 10*l.* a Year to Surveyor of *Packington* and *Meriden*, when to cease.

Provided also, and be it further enacted, That when and as soon as the said Debt shall be discharged, and the said Piece of Road, from the Bottom of Meriden-hill aforesaid to Stone-bridge, shall be taken under the Care and Management of the said Trustees, as Part of the Turnpike Road to be amended as aforesaid; then, and from thenceforth, the said yearly Sum of Ten Pounds to the Surveyor of the said Parishes of Great Packington and Meriden shall cease, and be no longer payable.

30*l.* a Year in Lands, &c. in the City, &c. of *Coventry*, deemed a Qualification.

Provided also, and be it further enacted, That any Person appointed or to be appointed a Trustee for executing the Powers contained in the said former Acts, or this present Act, who shall be seized or possessed for his Life, or for some greater Estate, to his own Use, of

Lands, Tenements, or Hereditaments, which were tared for Thirty Pounds per Annum or more, in the City of Coventry, or County thereof, towards raising the Land Tax for the Year One thousand seven hundred and sixty-nine, or which shall be so tared for any Year in which such Person shall act as a Trustee for putting the said former Acts, or this present Act, in Execution, shall be capable of accepting the Place and Office of a Trustee, and of acting as such in the Execution of all and every the Powers aforesaid, to all Intents and Purposes, as though the said Lands or Tenements were situate in the County of Warwick; such Qualification being proved (if so required) in like Manner as by the said former Acts, or any of them, is prescribed.

Penalty on evading the Tolls;

And be it further enacted, That if any Person or Persons shall go or pass with any Horse, Beast, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to the said Road, the same not being a Publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a Publick Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, should be avoided; or if any Owner or Driver of any Waggon, Cart, or other Carriage; or if any Drove of Oxen, or Neat Cattle, Calves, Hogs, Sheep, or Lambs passing along the said Turnpike Road, shall leave the same, and afterwards return thereupon, in such Manner that the Payment of the Tolls and Duties by this Act continued, or any Part thereof, which might have been demanded at some Turnpike Gate in the intermediate Space, shall be eluded; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof; such Persons, and every of them so offending, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law: And it shall and may be lawful for the said Collectors of the said Tolls, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods belonging to, or in

to be levied by Distress and Sale.

the Poſſeſſion, or under the Care of, any Perſon or Perſons offending in the Premiſes, and the ſame to take to any Juſtice of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed, and before him to make Complaint of ſuch Offence or Offences; and ſuch Juſtice may, and he is hereby required to examine the Nature of the Offence or Offences ſo complained of, and by the Confeſſion of the Party or Parties ſo complained of, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, if the ſaid Juſtice ſhall ſee Cauſe, to convict the Party or Parties complained of, if he, ſhe or they ſhall or ſhall not appear before him, in the reſpective Penalties aforeſaid; and for Nonpayment thereof, and of the Tolls that ſhall be due, though the ſame ſhall not be demanded, by Warrant under his Hand and Seal, to cauſe the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, to be ſold for Payment of the ſaid Tolls and Penalties, and the Charges of ſeizing, keeping, and ſelling the ſame, and of ſuch Conviction; and after Payment thereof, to render the Overplus of the Money ariſing by ſuch Sale, if any there ſhall be, to the Owner or Owners of the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, or to the Perſon or Perſons under whoſe Care, or in whoſe Poſſeſſion they reſpectively was or were when ſo ſeized as aforeſaid; and if no ſuch Diſtreſs as aforeſaid can or ſhall be made, then the aforeſaid Penalties, Forfeitures, and Tolls, ſhall be levied and recovered by ſuch Means, and in ſuch Manner, as are herein after mentioned and provided, for the levying and recovering of Penalties and Forfeitures impoſed by this Act, or the ſaid former Acts; One Moiety whereof, when raiſed, ſhall be paid to the Informer; and the other Moiety ſhall be applied in ſuch Manner as the other Penalties are herein after directed to be applied.

On Nonpayment, Diſtreſs may be ſold, &c.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, by this or any of the ſaid former Acts inflicted or authoriſed to be impoſed, if the Manner of levying and Recovery thereof is not otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes (which Oath ſuch

Penalties, &c. how to be recovered, and applied.

such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby impowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this or the said former Acts, from Time to Time paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of the said Road; and in case a sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For want of Distress, Offender to be committed.

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

Form of Conviction.

BE it remembered, That on the
in the
Year of His Majesty's Reign, *A B* is convicted before
of His Majesty's Justices of the Peace for the said County of
(specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be).
Given under our Hands and Seals the Day and Year aforesaid.

Provided

Persons aggrieved may appeal.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, or the said former Acts, and for which no particular Method or Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; and within Three Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Six Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Two Days after such Notice entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Proceedings not to be removeable by *Certiorari*.

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 such Offender or Offenders against this Act, or the said former Acts, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or the said former Acts, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant or Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the

nor the Party be deemed a Trespasser *ab initio*, for subsequent Irregularity.

Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or the said former Acts, until Twenty-one Days Notice shall be thereof given to the Clerk to the said Trustees; or after sufficient Satisfaction, or Tender thereof hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this Act, and the special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance, and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General issue.

Treble Costs.

Expences of this Act, to be first paid.

And be it further enacted by the Authority aforesaid, That out of the Money already raised upon the Credit of the said recited Acts, or out of the First Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Costs relative to procuring and passing this Act; and the Remainder of the Money so

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raiſed ſhall, from Time to Time, be applied in putting this Act in Execution, and in repaying the principal Monies borrowed, and the Intereſt due thereupon.

Publick Act. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed 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.