ANNO UNDECIMO

Georgii III. Regis.

An Act for enlarging and altering the Terms and Powers of ſeveral Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and in the Twenty-firſt Year of the Reign of King *George* the Second, for repairing the Roads leading from the Town of *Bromſgrove* to the Town of *Dudley*, in the County of *Worceſter*; and from the ſaid Town of *Bromſgrove* to the Town of *Birmingham*, in the County of *Warwick*; ſo far as the ſaid Acts relate to the repairing of the Roads leading from the ſaid Town of *Birmingham* to the ſaid Town of *Bromſgrove*.

WHEREAS, by an Act made in the Thirteenth Year of the Reign of King George the Firſt, intituled, An Act for repairing the Roads leading from the Town of *Bromſgrove* to the Town of *Dudley*, in the County of *Worceſter*, and from the ſaid Town of *Bromſgrove* to the Town of *Birmingham*, in the County of *Warwick*, ſeveral Tolls and Duties were granted and made payable, and divers Powers given for repairing the ſaid Roads, and for

Preamble. Act 13 *Geo.* I.

for putting the said Act in Execution; which said Act was to have Continuance for and during the Term of Act 21 *Geo.* II. Twenty-one Years: And whereas, by one other Act, made in the Twenty-first Year of the Reign of His late Majesty King George the Second, the Terms and Powers granted by the said former Act, so far as the same related to the Repair of the Roads leading from the said Town of Birmingham to the said Town of Bromsgrove were enlarged and continued for the further Term of Twenty-one Years, and from thence to the continued by Act 28 *Geo.* II. End of the then next Session of Parliament; but the said last-mentioned Term and Act, by virtue of an Act made in the Twenty-eight Year of the Reign of His said late Majesty King George the Second is and are continued, and to be in full Force for Five Years, to be computed from the End and Expiration of the said last-mentioned Act: And whereas the Trustees appointed to Former Trustees having borrowed several Sums of Money, not yet paid, put the said Acts in Execution have, in pursuance of the Powers thereby given them, borrowed several Sums of Money on the Credit of the said Acts, which, together with the Tolls collected and received by virtue thereof, have been duly applied according to the Directions of the the Necessity of renewing the Acts. said Acts; nevertheless, the said Sums so borrowed still remain due and owing, and, by reason of the many heavy Carriages, and the great Quantities of Goods and Merchandises carried on the said Road, great Parts thereof are in a ruinous Condition, and cannot be effectually repaired, according to the true Intent and Meaning of the said former Acts, and the Money due upon the Credit thereof be repaid, unless the Terms and Powers granted thereby be further continued, altered, and enlarged; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that so much of the said recited Acts as relates to the said Road from the said Town of Birmingham to the said Town of Bromsgrove, and all and every the Clauses, Powers, Penalties, Forfeitures, Provisions, Matters, and Things whatsoever, therein contained, (except such Clauses and Powers as are hereby altered) shall continue in full Force and Effect, and be executed and applied from and after the said Term of Twenty-one Years, granted by the said last-recited Act, and also of the additional Term granted by an Act made in the Twenty-eight Year of the Reign

of

of His late Majesty, intituled, An Act to amend an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; subject and liable, nevertheless, to the Payment of all Sums of Money now due and owing on the Credit of the said former Acts, or either of them, and of this present Act, in as full and ample Manner, to all Intents and Purposes, as if the same were here again repeated and re-enacted in the Body of this present Act.

Qualification of Trustees.

And, for the further surveying, ordering, amending, and keeping in Repair the said Roads, be it further enacted by the Authority aforesaid, That the Right Honourable the Earl of Catherlough, Lord Windsor, Thomas Allen, Richard Anderton, George Anderton, John Allen, Luke Bell, John Barker, Richard Butt, James Bailey, Thomas Bingham, Stephen Bedford, the Reverend Brailsford, Arthur Bagshaw, John Bell, William Bomsley, Thomas Bissiell, John Bradley, Jervoice Clarke, Joseph Carles, Thomas Colmore, Richard Conqueſt, Joseph Cooper, Francis Coales, Robert Coales, Jos. Cottrell, John Colmore, H. Carver junior, William Chance, Thomas Chance, John Carpinter, Philip Carpinter, John Crane, Thomas Crane, John Crane junior, the Right Honourable William Dowdeswell, Joseph Duncombe, James Dallaway, James Dolphin, Dawes junior, Davis, the Reverend Joseph Deakin, Thomas Falconbridge, John Ford, John Francis, John Freer, James Farmer, John Freeth, John Fothergill, Sampson Freeth, Thomas Farley, George Farley, Thomas Gisborne, John Grew, John Green, Richard Goolden, Joseph Gueſt, John Galton, Jonathan Grundy, John Scott Hylton, William Holden, John Horn, John Harvey, Samuel Harvey junior, Hadley, Abel Humphrys, Thomas Hurdd, Gregory Hicks, William Hunt, Henry Hurſt, William Hutton, Henry Henn, William Humphrys, Benjamin Humphrys, Thomas Hemos, Daniel Hemos, William Inge, John Iddins, Thomas Ingram, Thomas Lloyd, Thomas Lee, Thomas Lutwyche, Thomas Lawrence, Michael Lakin, John Lane junior, Edward Lascelles, Charles Lea, Sir Charles Mordaunt Baronet, Anthony Mainwaring James Male, Robert Moor junior, William May, William Millward, the Reverend Newling, William Heatly Noble, Thomas

Thomas Naſh, Oakley, John Oſeland, Perro, Francis Parrot, Samuel Pemberton junior, Edmund Waſe Patterſon, Piddock, the Reverend John Pixell, Thomas Piddock, William Powell, Joſeph Rann, Thomas Ruſſell, John Ryland, George Ruſſell, William Ryland, John Rogers, Joſiah Rogers, Ruſton, Thomas George Skipwith, Iſaack Spooner, the Reverend Thomas Lockey Soley, Brooke Smith, Samuel Steward, John Salt, Thomas Salt, William Smith of Bordſley, Ferdinando Smith, William Smith, John Taylor junior, Joſeph Tyndale, John Twigg junior, Samuel Twamley, Henry Venour, Thomas Wight, the Honourable John Ward, William Ward, William Welch, Richard Walter, Elias Wallin, Samuel Walford, John Walford, William Walſingham, Whateley, the Reverend John Waugh, Roger Worton, John Willſon of Bordſley, Walter Woodcock, Walter Woodcock junior, and Captain Thomas Wight, ſhall, from and immediately after the paſſing of this Act, be added to and joined with the Truſtees appointed or elected by and in purſuance of the ſaid former Acts for repairing the ſaid Roads; and the Truſtees ſo appointed and elected, and the Truſtees hereby nominated and appointed, ſhall be Truſtees for putting the ſaid former Acts in Execution.

Qualification of Truſtees.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid former Acts, or this preſent Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion, and Enjoyment, and Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or poſſeſſed of or intitled to a perſonal Eſtate, to the Amount or Value of Eight hundred Pounds, or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate in Land, of the clear yearly Value of Eighty Pounds: And if any Perſon hereby deemed incapable of acting, ſhall nevertheleſs preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſe-

Penalty on acting if not qualified.

Profecutor, than that such Person had acted as a Trustee, in the Execution of the said former Acts, or this present Act.

And whereas it would be less expensive, and of greater publick Utility, if so much of the Road directed to be repaired by the said Act, made in the Thirteenth Year of his late Majesty King George the First, as leads from the upper End of Smallbrooke-street, in the said Town of Birmingham, to Bournbrooke, in the Parish of Edgbaston, in the said County of Warwick, was discontinued, and the Road from Smallbrooke-street to Bournbrooke aforesaid, was made over several other Lands and Grounds, lying and being in the several Parishes of Birmingham and Edgbaston; be it therefore further enacted by the Authority aforesaid, That from and immediately after the compleating and opening the said new intended Road, so much of the said Act as directs the Repair of such Part of the said Road as leads from the upper End of Smallbrooke-street, in the said Town of Birmingham, to Bournbrooke, in the Parish of Edgbaston, shall be, and the same is hereby repealed; and that, instead thereof, it shall and may be lawful to and for the Trustees, and they are hereby authorised and required to make, or cause to be made, a new Road from the upper End of Smallbrooke-street, in the said Town of Birmingham, to Bournbrooke aforesaid, through and along Part of a certain Lane or Highway in the said Parish of Birmingham, called Brick-kiln-lane, and in, through, and over the several Lands and Grounds situate, lying, and being in the several Parishes of Birmingham and Edgbaston, and to ditch and fence the same in such Manner as the said Trustees, or any Seven or more of them, shall, from Time to Time, direct and appoint; and the said Trustees, or any Seven or more of them, shall, and they are hereby impowered and required to continue, remove, take down, erect, or set up, such and so many Gates, Turnpikes, and Toll-houses, respectively, in, across, or on the Side or Sides of any Part of the said Road comprised in this Act, as to the said Trustees, or any Seven or more of them, shall seem proper and expedient for the Purposes of this Act; and the sole Right and Property of, in, and to all such Gates, Turnpikes, and Toll-houses, (save and except the House now used as a Toll-house in the said Parish of Edgbaston, which is the sole Property of Sir Henry Gough Baronet;) shall be, and they are hereby vested in the said Trustees and their Successors; and they, or any Seven or more of them, shall and may, and they are hereby impowered

New Road may be made.

and other Alterations, as the Trustees shall judge necessary.

impowered to diſpoſe thereof reſpectively, as they ſhall think proper and requiſite; and alſo to bring Actions in the Name of any Two or more of them, or in the Name of their Clerk or Treaſurer, againſt any Perſon or Perſons who ſhall break, pull down, damage, or deſtroy the ſame, or any Part thereof, or ſhall diſturb them in the Poſſeſſion thereof.

Proviſo. Provided always, That the old Road hereby directed to be diſcontinued, ſhall be kept in good Repair, until the new intended Road, hereby directed to be made, ſhall be compleatly made, finiſhed, and opened for Paſſage.

No Gate to be erected nearer *Birmingham* than a certain Lane mentioned. Provided alſo, and be it further enacted, That no Gate or Gates, Turnpike or Turnpikes, ſhall be erected or ſet up on any Part of the ſaid Road compriſed in this Act, nearer the Town of Birmingham than a certain Lane in the ſaid Pariſh of Edgbaſton, leading out of the ſaid Road, to or towards Moſeley; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

New Tolls may be taken. And be it enacted by the Authority aforeſaid, That from and immediately after the paſſing of this Act, the ſaid Truſtees, and ſuch Perſon or Perſons as ſhall from Time to Time be by them authoriſed, impowered, and appointed, in that Behalf, ſhall and may demand, take and receive, at all or any of the Turnpikes or Toll-gates, which is, are, or ſhall be erected by virtue of the ſaid former Acts, or this preſent Act, upon the ſaid Road compriſed in this Act, the ſeveral Tolls and Duties following, inſtead of the Tolls and Duties granted by the ſaid former Acts, before any Horſe, Beaſt, or other Cattle, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, Waggon, Wain, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

The Tolls. For every Chaiſe, Cart, or other Carriage, drawn only by One Horſe, Mare, Gelding, or Mule, the Sum of Four-pence; and for each and every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Waggon, Cart, Wain, or other Carriage, drawn by Two or more Horſes, Mares, Geldings, Mules, Oxen, or Aſſes, the Sum of Three-pence.

For each and every Horſe, Mare, Gelding, Ox, Aſs, or Mule, drawing the ſame; and for every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny.

For

For every Drove of Oxen, or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or lesser Number; and for every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or lesser Number.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty, in lieu and stead of the Tolls and Duties granted and made payable within the said Road from Birmingham to Bromsgrove by the said former Acts, and shall be, and the same are hereby vested in the said Trustees and their Successors, or such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same: And the said Trustees and their Successors, or such Person or Persons as they, or any Seven or more of them, shall authorise and appoint, shall and may have, use, exercise, and enjoy, such and the same Powers and Authorities, Means and Remedies, for the levying, recovering, and receiving the Tolls and Duties hereby made payable, as in and by the said former Acts, or either of them, are given, granted, and provided, for the levying, recovering, and receiving the Tolls and Duties thereby given and granted, and shall be applied and disposed of, to and for such Uses, Intents, and Purposes, as are by the said former Acts, so far as the same relate to the said Road from Birmingham to Bromsgrove, and this present Act, directed and appointed. Tolls vested in the Trustees.

Provided always, That no more than Two full Tolls shall be taken in any One Day of Twenty-four Hours, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, for the Passage of any Carriage or Cattle between the said Town of Birmingham and the said Town of Bromsgrove. Proviso.

Provided also, That no more than One full Toll shall be demanded or taken in any One Day, to be computed as aforesaid, upon the said new Road leading from the said Town of Birmingham, to a certain House known by the Sign of the Bell, in the Parish of Northfield, in the said County of Worcester; any Thing herein-before contained to the Contrary notwithstanding. One Toll only to be taken from *Birmingham* to a certain House mentioned.

Provided always, That no Toll or Duty shall be taken at any Toll-gate or Turnpike, erected, or to be erected, by virtue of the said former Acts, or this present

Act, for any Horse or other Cattle, or any Carriage whatsoever, which shall immediately come off any Turnpike-road, leading to or crossing the Road hereby directed to be repaired, and shall travel along the same for the Space of Three hundred Yards only, and no more.

Exemptions from Tolls.

Provided also, and it is hereby further enacted and declared, That no Tolls shall be demanded or taken for any Waggon, Cart, or other Carriage, drawn by Horses or other Cattle, passing through any of the Turnpikes or Toll-gates to be erected by virtue of the said former Acts, or this present Act, going empty or unloaden for, or returning loaden only with Stones, Bricks, Gravel, or other Materials for repairing the said Road, or any Part thereof; or for any Cattle or Carriage used or employed only in the drawing or carrying of any Dung, Mould, or Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving of Lands, (Lime only excepted); or for any Cattle or Carriage used or employed in the drawing or carrying of any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places, belonging to the respective Inhabitants of the several Parishes in which any Part of the said Road hereby intended to be repaired doth lie, (but not to exempt any Carts or Carriages loaden with any Hay or Straw for Sale); nor shall any Toll be demanded or taken for any Ploughs, Harrows, Drays, or other Implements of Husbandry, belonging to any of the said Inhabitants, passing, in order to the using or repairing the same, or any other Thing whatsoever employed in Husbandry; or for manuring or stocking of Land in the said several Parishes in which any Part of the said Road doth lie; nor shall any Toll be demanded or taken for any Cattle belonging to any of the Inhabitants, which shall be only going to or returning from Pasture or Water; or for any Post-horse carrying the Mail or Packets; or for the Horses of Soldiers upon their March, or for Cattle or Carriages attending them, or loaden only with their Arms or Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of a Shire, to serve in Parliament for the Counties of Worcester or Warwick, on the Day or Days of such Election, or on the Day before, or Day after, any

any such Election shall be begun 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 and pay the Sum of Forty Shillings. Penalty on Persons claiming Exemptions unduly.

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, and they are hereby impowered, from Time to Time, to borrow and take up at Interest, such Sum or Sums of Money as they shall think requisite and necessary for the Purposes of this Act, and of the said former Acts; and, by Writing under their Hands and Seals, to assign over the said Tolls and Duties for all or any Part of the Term of Years for which the same are hereby granted or made payable, as a Security for the Repayment of any Sum or Sums of Money so to be borrowed, unto such Person or Persons as shall advance or lend the same, with such Interest as shall be agreed upon; and that the Tolls and Charges of every such Assignment or Mortgage shall be defrayed and paid out of the said Tolls and Duties. Trustees may borrow Money on the Credit of the Tolls, and assign the Tolls for Repayment.

Provided always, That no Money shall be borrowed by the said Trustees, on the Credit of the said Tolls and Duties, after their First Meeting, unless Notice in Writing, under the Hand of their Clerk, be for that Purpose fixed upon all the Turnpike-gates upon the said Road, at least Twenty-one Days before the borrowing of such Money. Notice to be given of borrowing Money.

And it is hereby further enacted, That the said Mortgages or Securities, or any Part thereof, or any Part or Share of the Principal and Interest thereby secured, shall and may, from Time to Time, be assigned, transferred, and set over, by the Person or Persons possessed of, and intitled to the same, for the Time being, by any Writing or Writings under his, her, or their Hand or Hands, or by Indorsement thereon; and such Securities, Assignments, Transfers, and Indorsements, respectively, shall not, nor shall any of them be liable to, or charged or chargeable with any of the Stamp-duties; but shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Three Calendar Months next after the Date of every such Security, Transfer, or Assignment, respectively; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of such Assignment or Tranfer, containing the Date, Parties Names, Securities may be assigned, Writings may be without Stamps.

Clerk's Fee.

Names, and Sums of Money therein mentioned, and thereby intended to be assigned or transferred; for which Entry the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, not exceeding Two Shillings and Sixpence, as the said Trustees, or any Seven or more of them, shall order or direct; and after such Entry made, every such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the Principal Money and Interest therein mentioned, and thereby intended to be assigned or transferred; and neither the Person or Estate of any Trustee or Trustees signing any such Security, shall be liable to answer or pay the Money due, or to become due thereon, or to be sued for, or in respect thereof.

Application of the Money to be borrowed, and of the Tolls, &c.

And it is hereby further enacted, That all such Monies as shall be raised, borrowed, and collected, in pursuance, or by virtue of the said former Acts, and also of this present Act, shall be, in the first Place, applied and disposed of, for and towards the paying and defraying the Charges and Expences attending the obtaining and passing of this present Act of Parliament; and afterwards in and for the repairing and amending the Road hereby intended to be repaired, and other the Purposes of the said former Acts, and this present Act, in such Order, Course, Priority, and Manner, as to the said Trustees, or any Five or more of them, shall, from Time to Time seem requisite and expedient.

Not more than 5000 *l.* to be borrowed, without Consent of prior Mortgagees.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorise the said Trustees to borrow and take up at Interest, on the Credit of the said former Acts, or this Act, any more than the Sum of Five thousand Pounds, unless with the Consent of such Person or Persons as are or shall be the Creditors upon the Tolls granted by the said former Acts, and this present Act; and that all and every Person and Persons to whom any Mortgage or Assignment shall be made, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by the said former Acts, and this Act, granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of any Security or Securities entered into by the said Trustees, or any Seven or more of them, for repaying any Money borrowed on the Credit of the said former Acts, or this present Act.

Creditors deemed equal in Degree.

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, at any Meeting to be held for that Purpose, and they are hereby impowered, from Time to Time, as they shall see Occasion, to reduce all or any of the Tolls hereby granted, and to order such Tolls, so reduced, to be collected and received, in such Sort, Manner, Parts, and Proportions, as they shall think fit, so as Twenty-one Days Notice be affixed in Writing upon the several Turnpike-gates which shall be erected on the said Road, and so as the said Reduction be from Time to Time made with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls granted by this Act, or by the said former Acts, or to whom any Money shall be due thereon, and secured thereby, at the Time of such Reduction; and also, from Time to Time, to raise such Tolls again, or any Part thereof, as they shall find necessary, so as the same be not raised higher than are herein before granted; and such Tolls, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner, and for the Purposes, as the Tolls herein-before granted are hereby directed to be collected, recovered, and applied. Trustees may reduce the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse, or other Cattle or Beast, or shall, take off, or cause to be taken off, any Horse or Cattle from any Carriage, or shall leave, or cause to be left, upon, or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with Intent to evade the Payment of any of the said Tolls, or of any Part thereof; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein-after directed to be applied. Penalty on Persons taking off Horses to avoid Payment of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall claim and take the Benefit of any of the Exemptions from Payment of Tolls particularly specified in this Act, or in the said last herein-before recited Act, of the Twenty-first Year of the Reign of His late Majesty, not being intitled to the same, such Person or Persons shall forfeit, for every such Offence, the Sum of Forty Shillings. Penalty on Persons taking the Benefit of Exemption from Tolls, not intitled.

Truſtees may leaſe the Tolls.

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, from Time to Time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, from Year to Year, or for any Term of Years not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons as they the ſaid Truſtees, or any Seven or more of them, ſhall, from Time to Time, direct or appoint; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied.

Truſtees may contract for the Purchaſe of Lands.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, for the Purpoſe of making the ſaid new Road hereby directed to be made as aforeſaid, ſhall be, and are hereby fully impowered to make the ſaid Road, in, through, or over any private Grounds, or Hereditaments, not being a Garden, Orchard, Plantation, Park, or Pleaſure-ground, on making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain, in the Manner herein-after for that Purpoſe mentioned; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to contract and agree with the Owners of, and Perſons intereſted in, any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain, by the making the Courſe or Path of ſuch new Road through ſuch Lands or Hereditaments: And it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole; and alſo for all Perſons whatſoever, ſeiſed of, or intereſted in, or intitled unto, ſuch Lands, Tenements, or Hereditaments; and alſo for all Husbands ſeiſed or intitled in Right of their Wives, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Ideots, Femes-covert, or other Perſon or Perſons whatſoever; and unto and for all Femes-covert who are or ſhall be ſeiſed or intereſted in their own Right; and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed

Bodies Politick, &c. impowered to treat.

poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Seven or more of them, and to ſell and convey unto them, or any Seven or more of them, all or any ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid, or to contract for and give in Exchange any Part or Parts of the ſaid Lands and Hereditaments through which the ſaid new Road or Paths ſhall be thought proper to be made as aforeſaid, for ſo much of the ſaid old Road as is herein-after directed to be diſcontinued and exchanged: And all Contracts, Exchanges, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Will, Settlement, Law, Statute, Uſage, or other Matter whatſoever to the Contrary notwithſtanding; and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons ſhall be, and are hereby indemnified for what they ſhall do by virtue and in purſuance of this Act: And if any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Truſtee, Feoffee, Committee, Executor, Adminiſtrator, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing, at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through any Part of which ſuch new Road is intended to be made, ſhall, for the Space of One Month next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from making any ſuch Agreement; then, and in every ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damage and Recompence to be inquired into and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands or Hereditaments do lie; and in order thereto, the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from Time to Time, as Occaſion ſhall require, to ſummon and call before them ſuch Jury, and examine upon Oath all and every Perſon and Perſons whomſoever,

Contracts, &c. to be valid.

Bodies Politick refuſing to treat,

Recompence may be ſettled by a Jury.

ever, who shall be thought necessary or proper to be examined concerning the Premises, (which Oath any Two or more of the said Trustees are hereby impowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of, and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, and other Persons interested in the Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all such Parties or Persons whomsoever claiming, or to claim, in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Idiots, and Persons under any Disability whatsoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified according to Law to serve upon Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return, such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such summons, the said Trustees, or any Seven or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, 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, to attend the Service, to make up the full Number

Trustees may issue their Warrant to the Sheriff for summoning a Jury.

Jury to be sworn.

For want of a sufficient Number of Jurymen, others may be chosen of the Bystanders.

ber of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or that shall refuse to be sworn on the said Jury, or, being so sworn, shall refuse to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and applied, so that no such Fine shall be more than Five Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Jurors may be challenged.

Penalty on Sheriff, &c. neglecting their Duty.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for, or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of the Monies to be borrowed on the Credit thereof, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorised by Writing under the Hands of the said Trustees, or any Seven or more of them, to set, stake out, and make such new Road, in, over, and through such Lands or Hereditaments, and to do all and every such Act, Matter, or Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them shall think fit for the Purposes of this Act; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Road as shall be made in, over, and through any private Lands and Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be so made a Part or Parts

Recompence agreed for, to be paid out of the Tolls.

On Payment or Tender of Purchase-money, Trustees may enter upon the Lands, &c.

of the said new Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, in such Manner as the said Roads hereby appointed to be repaired are by this or any other Law to be amended; and from thencefoyth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be compleated, the said Trustees, or any Seven or more of them, may, and are hereby impowered, with the Consent of Sir Henry Gough Baronet, his Heirs or Assigns, to give in Exchange such Part or Parts of the Land so constituting the old Road, as lie between the Parish-church of Edgbaston aforesaid, and a certain Lane called Park Lane, near Bourn Brook aforesaid, for any Part or Parts of such new Road; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof, any Thing herein contained to the Contrary notwithstanding.

Former Proprietors divested of all Right.

Proviso.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of any Lands or Hereditaments wherein he shall be particularly concerned or interested.

Lands not to be entered on till Satisfaction made, or tendered.

Provided nevertheless, and be it enacted by the Authority aforesaid, That nothing herein-before contained shall be construed, deemed, or taken to extend, to give any Power or Authority to the said Trustees appointed in pursuance of the said former Acts, or this Act, to enter into or upon any Lands or Grounds, and take Possession thereof, or of any Part thereof, for the Purpose of making the said Road, except to stake or set out the same, until the Purchase-money of the Whole of such Lands or Grounds shall be actually and bona fide paid, or tendered to be paid, to the respective Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, and Committees herein-before directed to convey and intitled to receive the same, in case he, she, or they shall be resident in England, and shall not purposely secrete himself, herself, or themselves, to avoid such Payment or Tender, any Thing herein-before contained to the Contrary in any-wise notwithstanding.

And

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the several Parishes through which the said Road leads, liable to perform the Work commonly called Statute-work, upon the said Road, shall remain subject to the Performance of such Work; save and except all and every Person and Persons living or residing within the Parish of Edgbaston, liable or chargeable by Law to the Performance thereof; in such Proportions as are herein-after mentioned: And every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum, so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the several Parishes through which the said Road shall pass, except as aforesaid; or in case no such Surveyor or Surveyors is, are, or shall be appointed, the Churchwardens or Overseers of the Poor of such respective Parishes shall, yearly, and every Year, within Ten Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, or the said former Acts, deliver to such Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Parishes is or are liable to do Statute-work, and shall distinguish in such Lists, which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams, and the Statute-work shall be done by all such Persons, on such Parts of the said Road hereby intended to be repaired, as lie within the said respective Parishes, in such Manner, and at such Times, as the said Trustees, or any Seven or more

Persons Subject to Statute-duty to continue so.

Persons occupying Lands to the Value of 50 *l. per Annum* deemed to keep a Team.

Surveyors of the Highways to make up Lists, yearly, of Persons liable to do Statute-work.

more of them, or the Turnpike Surveyor or Surveyors shall, from Time to Time direct and appoint, so that no more than Two Days Work shall be done by any One Person or Team, within the said several Parishes through which the said Roads shall lead in any One Year: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor of such respective Parishes respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons; and if any Surveyor, Church-warden, or Overseer of the Poor for such respective Parishes aforesaid, shall neglect as aforesaid to do as he is hereby required and directed, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors, shall forfeit and pay the respective Sums hereafter mentioned; (that is to say,) Every Person that shall keep, or by virtue of this Act, shall be deemed to keep a Team or Teams, for every Day's Default, for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Sixpence: And every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or be sent with any Team to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before mentioned; and all Persons so doing such Day's Work on the said Road, shall not be liable to any other Statute-work thereon.

Surveyors, &c. to give 10 Days Notice to Persons liable to Statute-work.

Penalty for Neglect.

Penalty on Persons neglecting or refusing to perform their Statute-work.

Persons found idle to be turned off, and liable to the Penalties.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or

Trustees may compound for Statute-duty.

or any Seven or more of them, to compound or agree by the Year, or otherwise, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, ſituate, lying, and being within the ſaid ſeveral Pariſhes through which the ſaid Road leads, who ſhall by virtue of this Act be chargeable with the Repair of any Part of the ſaid Roads, for the Performance of his or their Statute-work thereon; and alſo, that it ſhall and may be lawful for the Surveyor or Surveyors of the Highways of the ſaid ſeveral Pariſhes through which the ſaid Road leads, or ſuch Churchwardens or Overſeers of the Poor reſpectively as aforeſaid, (by and with the Conſent of the Majority of the Inhabitants of ſuch reſpective Pariſhes firſt had at a Veſtry, or other publick Meeting of ſuch Inhabitants) to compound and agree by the Year, or otherwiſe, with the ſaid Truſtees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Roads; all which Compoſition-money ſhall be, from Time to Time, paid in Advance, and ſhall be applied in the Repair of the ſaid Road; and ſuch Surveyors, Churchwardens, and Overſeers of the Poor ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended, in buying Materials for repairing the Highways.

Penalty on Perſons drawing Timber except on Wheel-carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel-carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel-carriages, to drag upon any Part of ſuch Road, to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

How Penalties are to be recovered.

And be it further enacted by the Authority aforeſaid, That all Penalties, Forfeitures, and Fines, hereby, or by the ſaid former Acts inflicted or authoriſed to be impoſed, ſhall, upon Proof of the Offences reſpectively, before Three or more of the ſaid Truſtees, or before any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be or 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 Trustees or Justice of the Peace are and 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 offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Trustees or Justice; which Warrant or Warrants such Trustees or Justice are or is hereby impowered to grant for such Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, from Time to Time, paid to any Seven or more of the said Trustees, or to their Treasurer, and applied in the Repair of the said Road, or otherwise, as the said Trustees or Justice shall direct and appoint.

Trustees may remove Officers,

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the said Trustees, or any Seven or more of them, shall, and they are hereby authorised and impowered, at any of the respective monthly or other Meetings, hereafter to be by them held, to remove or displace any Treasurer, Clerk, Collector, Receiver, or Surveyor, or any other Officer or Servant already nominated or appointed, or hereafter to be nominated or appointed, and by an Instrument in Writing under their Hands, to nominate and appoint, in his or their Room, any new Treasurer, Clerk, Collector, Receiver, or Surveyor, or any other Officer or Servant, from Time to Time, as they shall see Cause, during the Continuance of this present Act: And that all and every Person and Persons, duly authorised and impowered by any Writing under the Hands of the said Trustees, or any Seven or more of them, to collect or receive any of the Tolls and Duties by this Act granted, and all and every other Person and Persons who have, or shall, at any Time receive or have, in his or their Hands, any Monies arising by such Tolls or Duties, or for the Purposes of the said former Acts, or this present Act, shall, as often as the said Trustees, or any Seven or more of them, at any of their publick Meetings assembled, shall think fit to require, within Ten Days after Demand, make and render a true and perfect

and appoint others.

Persons impowered to collect Monies, to account, on Oath, if required,

reſt Account, upon Oath, in Writing, under his or their Hand or Hands, (which Oath any Two or more of the ſaid Truſtees may, and are hereby required to adminiſter) of all and every ſuch Sum and Sums of Money as he or they ſhall reſpectively have in their Hands, or ſhall have collected or received under and by the Authority of the ſaid former Acts, or this preſent Act, or for the Uſes thereof; and ſhall deliver and pay over all and every ſuch Sum and Sums of Money as ſhall remain in his or their Hands, at the Time of rendering ſuch Account, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall appoint to receive the ſame: And in caſe any of the ſaid Perſons into whoſe Hands any ſuch Monies as aforeſaid, have, or ſhall or may come, ſhall refuſe or neglect to make and render a true and perfect Account thereof, within Ten Days after Demand as aforeſaid, or ſhall knowingly or willingly deliver a falſe, defective, or imperfect Account, or having delivered a true and perfect Account, ſhall refuſe or neglect to pay over the Monies due on ſuch Account as aforeſaid; that then, and in any of the ſaid Caſes, it ſhall and may be lawful to and for One or more Juſtice or Juſtices of the Peace of the County where ſuch Offender ſhall dwell or reſide, and he and they are hereby required, upon Application made to him or them by the ſaid Truſtees, or any Seven or more of them, for that Purpoſe, to cauſe all and every Perſon and Perſons ſo offending in any of the Caſes aforeſaid, to appear and be brought before him or them, by Warrant or Summons under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, who is and are hereby impowered and required to make Inquiry of and concerning ſuch Neglect or Default in a ſummary Way: And in caſe it ſhall appear to the ſaid Juſtice or Juſtices, that any of the Perſons aforeſaid have been faulty in not rendering a true Account, (within Ten Days after Demand) of the Monies by them received as aforeſaid, or that they have delivered a falſe, defective, or imperfect Account, or, having delivered a true and perfect Account, do refuſe or neglect to pay over the Monies due thereon, to the Perſon or Perſons impowered by the ſaid Truſtees, or any Seven or more of them, to receive the ſame; that then, and in any of the ſaid Caſes, it ſhall and may be lawful for the ſaid Juſtice or Juſtices,

and pay the Monies as the Truſtees ſhall direct.

Monies in the Hands of any Perſon not duly accounted for,

ſuch Perſon may be brought before a Juſtice,

and, on Conviction, may be committed till full Payment be made, &c.

tices, and he and they are hereby required to commit such Offender or Offenders to some publick Gaol in the County in which such Offender shall dwell or reside, there to remain without Bail or Mainprize, until he or they shall have rendered a true and perfect Account in Writing, upon Oath as aforesaid, and shall have made a full Payment of the Monies due thereupon, according to the true Intent and Meaning of the said former Acts, and this present Act.

Trustees in the Commission for *Worcester* and *Warwick* may act as Justices.

And be it further enacted by the Authority aforesaid, That all and every Trustee and Trustees as is, are, or shall be, in the Commission of the Peace for the said Counties of Worcester and Warwick, or either of them, shall and may act nevertheless as Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers by the said former Acts, and this Act given.

In case of Death, or refusing to act, new Trustees may be appointed.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be be it further enacted by the Authority aforesaid, That when, and as often as any Trustee shall die, or refuse to act, it shall and may be lawful for the surviving or other Trustees, or any Seven or more of them, from Time to Time, to elect, nominate, and appoint, One or more fit Person, qualified as herein-before mentioned, in the Place of each Trustee so dying, or refusing to act; but Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees shall be fixed on all the several Gates erected, or to be erected, by virtue of the said former Acts, or this present Act, at least Twenty-one Days before the Meeting for such Election; and all and every such Person and Persons who shall, from Time to Time, be so chosen and appointed, shall be joined with such surviving or other Trustees; and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named in, and appointed a Trustee or Trustees by this Act.

Distress not unlawful on account of Irregularity.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress,

or

or other Proceedings relating thereto; nor shall the Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall have been then committed, or which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity may recover Satisfaction for the special Damages in an Action upon the Case.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to take such Security from their Treasurer or Treasurers, as to the said Trustees, or any Seven or more of them, shall appear reasonable.

Victuallers, &c. not to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

Limitations of Actions.

And be it further enacted, by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought, laid, and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants in such Action or Suit, may 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 same was done in pursuance and by the Authority of this Act: And if it shall appear so to have been done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid in any other County or Place than as aforesaid, then the Jury 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 in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action or Suit, or if, upon Demurrer, Judgement shall be given for the Defendant or Defendants, then, and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof, as any Defendant or Defendants hath or have for Costs, in any other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.