Anno secundo

Georgii III. Regis.

An Act for amending, widening, and keeping in Repair, the Road from *Castle Street*, at the End of the Town of *Hinkley*, to *Lutterworth* Town's-End; and from or near the Guide Post at *Walcot* Town's-End, in the County of *Leicester*, to the Eighty Mile-stone in *Welford Field*, in the County of *Northampton*.

WHEREAS the Road leading from Castle Street, at the End of the Town of Hinckley, in the County of Leicester, through Burbage, Smockington, Nether Claybrooke, Upper Claybrooke, Ullesthorpe, and Bitteswell, to Lutterworth Town's-End, and from or near the Guide Post at Walcot Town's-End, in the Parish of Misterton, in the said County of Leicester, through South Kilworth, in the same County, to the Eighty Mile-stone in Welford Field, in the County of Northampton, in the Turnpike Road leading to Northampton, is, in many Places, very narrow, ruinous, and incommodious for Travellers and Carriages, and cannot be sufficiently amended, widened, and kept in Repair, by the Laws now in being: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, Preamble.

Truſtees Names.

Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Honourable Thomas Noel Eſquire, Sir Thomas Cave, Sir Thomas Palmer, Sir Francis Skipwith, Sir William Halford, Sir Thomas Webb, Sir Edward Boughton, Baronets; the Reverend John Fanſhaw, Charles Hutchinſon, Doctors in Divinity; Sir Thomas Ward Knight, James Wigley, George Wright, Thomas Cave, Thomas Skipwith, Francis Skipwith, James Shuttleworth, John Payne, William Dixwell, Grimes Shuckburgh Boughton, George Byrd, Thomas Boothby the elder, Thomas Boothby the younger, Thomas Scrymſhire Boothby, William Burleton, Edward Yeo, Baſil Fielding, Edward Taylor, Joſhua Grundy, Jonathan Grundy, William Hurſt, Edward Bateman, Richard Clarke, Francis Beynon, Thomas Grace, Eſquires; the Reverend Cleobery Noel, Henry Wigley, Thomas Frewin, John Horton, John Liptrott, Tobias Mathews, John Newcomb, Samuel Roughton, Burton Crumpton, William Stanton, Richard Muſſon, Thomas Noble, James Chambers, Samuel Aſhby, James Ancell, Thomas Billio, Richard Wilſon, William Iliffe, Sloughter Clarke, Joſeph Reynolds, Edward Calquit, Clerks; Thomas Allen, Thomas Brown the elder, John Foſter, Jonathan Hurſt, Charles Hurſt, Joſeph Iliffe, Stanhope Hunter, Thomas Hunt, John Hunt, Thomas Iliffe, Thomas Cooper, William Doddington Whalley, Richard Bloxham, William Watſon, David Wells, Joſhua Clarke, Richard Forryan the elder, Richard Forryan the younger, Thomas Thompſon, Daniel Kem, William Binley, Richard Warner, John Warner, Thomas Benſkyn, John Benſkyn, John Wright, Thomas Ball, William Shorte, Michael Poole, Robert Webſter, William Perkins, John Andrews, Thomas Buſwell, John Arnold, Thomas Smith, William Smith, John Walker, John Goodacre the elder, John Goodacre the younger, Thomas Goodacre, James Sanderſon, James Butler, Richard Warner, Mathew Cooper, Thomas Holled, Holled Smith, John Cooper, Oliver Wright, John Andrews, John Freeman, Edward Halford, Richard Tattom, William Jervis, William Burdett, Thomas Morris, Harry Morris, Samuel Newbold, Robert Smith, Richard Thornton, William Blick, John Cox, John Cave, John Elſon, William Belgrave, Richard Tarvile, Richard Banbury, John Atkins, Benjamin Snelſon, Benjamin Willis, Benjamin Woodford, John Wright, Gentlemen; the Right Honourable the Earl of Donnegal in the Kingdom of Ireland, Sir Roger Newdigate, Sir Robert Burdett, Baronets; Phillip Bracebridge D. D. William Craven, Joſeph Boultbee, Abraham Bracebridge,

Bracebridge, Charles Jennens, Francis Stratford, John Longford, Francis Vincent, Rowland Farmer Okeover, Fleetwood Hinton, James Hinton, Joſeph Harper, Eſquires; Michael Baxter, John Barber, Edward Dudley, Allen England, William Fowler, John Wilday, Edward Lythall, Gentlemen; ſhall be, and they and their Succeſſors, to be appointed in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, amending, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given and granted; and that they, and the Survivors of them, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, One or Two Gate or Gates, Turnpike or Turnpikes, in or croſs any Part or Parts of the ſaid Roads; and ſhall and may, from time to time, remove the ſaid Gate or Gates to any other Part of the ſaid Road, as they ſhall ſee convenient; and alſo ſhall and may erect, or cauſe to be erected, a Toll-houſe or Toll-houſes in or upon the ſame; and ſhall demand and take, at every ſuch Gate or Turnpike, the following Tolls or Duties, before any Horſe, Mare, Gelding, Mr, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, Dray, or other Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes;

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Calaſh, Chariot, Chaiſe, Chair, Hearſe, or Litter, drawn by Six Horſes, Mules, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horſes, Mules, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, Mules, or other Beaſts of Draught, the Sum of Eight Pence.

For every Calaſh, Chaiſe, or Chair, drawn by One Horſe only, the Sum of Six Pence.

For every Waggon, Cart, Wain, Car, or other Carriage, drawn by Two or more Horſes, or Beaſts of Draught, the Sum of One Shilling.

For every Waggon, Cart, Wain, Car, or other Carriage, drawn by One Horſe only, the Sum of Six Pence.

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence, and ſo in Proportion for any greater or ſmaller Number.

For every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence, and ſo in Proportion for any greater or ſmaller Number.

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

Which ſaid reſpective Sum and Sums of Money ſhall be demanded and taken in the Name of or as a Toll or Duty; and the Money ſo to be raiſed and collected ſhall be and is hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned, to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein after mentioned and directed; and that it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or any ſuch Perſon or Perſons as they, or any Five or more of them, under their Hands, ſhall from time to time nominate and appoint, to demand and take the Tolls and Duties hereby granted and made payable, and to levy the ſame upon any ſuch Perſon or Perſons, who ſhall (after Demand thereof made) neglect or refuſe to pay ſuch Tolls or Duties as aforeſaid, by Diſtreſs of any Horſe or Horſes, or any other Cattle or Goods, upon which any Toll or Tolls is and are by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame; and to detain and keep ſuch Goods and Chattles, ſo diſtrained, until ſuch Tolls and Duties, with the reaſonable Charges of ſuch diſtraining and keeping ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining, after the Space of Four Days next after ſuch Diſtreſs made and taken, ſhall and may ſell the Goods, ſo diſtrained; returning the Overplus (if any there be) upon Demand, to the Owner thereof, after ſuch Tolls or Duties, and reaſonable Charges for diſtraining and keeping the ſame, ſhall be deducted and paid.

Tolls veſted in Truſtees.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Qualification of Truſtees.

Provided always, and be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, in any Caſe, who is not in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or is poſſeſſed of, or intitled unto, a Perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon or Perſons ſo made incapable, ſhall preſume to act, every ſuch Perſon, for every ſuch Offence, ſhall forfeit the Sum of Fifty Pounds, to be recovered in a ſummary

Penalty on acting, not being qualified.

ſummary Way, before the Juſtices of the Peace at their Quarter Seſſions for the County of Leiceſter; and the Perſon ſo proſecuted ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that the Perſon hath acted as a Truſtee in the Execution of this Act; One Moiety of which ſaid Forfeiture ſhall be paid to the Proſecutor, and the other Moiety thereof ſhall be applied in repairing the ſaid Roads.

Application of the Money.

And be it further enacted by the Authority aforeſaid, That out of the firſt Monies ariſing by the Tolls hereby granted, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act; and ſhall apply the Remainder of the Money ſo raiſed in erecting Gates or Turnpikes, and Toll-houſes, and repairing, widening, and amending, the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together in ſome publick Inn or Houſe at Lutterworth, in the County of Leiceſter, on the Tenth Day of May next, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, from time to time, to the Place aforeſaid, or to any other Place or Places near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, for putting this Act in Execution; and if it ſhall happen that there ſhall not appear, at any ſuch Meeting, a ſufficient Number of Truſtees to act, or to adjourn to any other Time and Place, then the Clerk to the Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held, and ſhall cauſe Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences.

In Default of a ſufficient Number to act, Notice to be given of another Meeting.

Truſtees to defray their own Expences.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons appointed, or to be appointed a Truſtee or Truſtees in or by virtue of this Act, ſhall have or accept of any Place of Profit ariſing out of the Tolls and Money by this Act made payable, ſuch Perſon or Perſons, from and after his and their accepting

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

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ing such Place or Places of Profit, and during the respective Time of his and their holding and enjoying the same, shall be incapable of acting as a Trustee or Trustees in or under this Act, or in the Execution of the Authorities and Powers to them given; and that no Innholder or Victualler, or Person who shall sell or retale any spirituous or fermented Liquors, shall be capable of holding or enjoying any Office or Place of Trust, by virtue of this Act.

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

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed, or to be appointed, in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

On Death, &c. of Trustees, others to be chosen.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when, and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive and remain, or any Five or more of them, by any Writing or Writings under their Hands, from time to time, to elect, nominate, and appoint, One or more fit Person or Persons, qualified to act as a Trustee, or Trustees, according to the Directions of this Act, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act as aforesaid; and such Person or Persons, so to be elected, nominated, or appointed, shall be joined with such surviving and remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act: And Notice of the Time and Place of Meeting, for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks to the Trustees for the time being, who is and are hereby required to fix, or cause to be fixed, such Notice in Writing at One or all of the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election: And all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving and remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees, nominated by this Act, are hereby authorized and impowered to act and do.

10 Days Notice to be given of such Election.

And

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Roads, and upon, in, or acroſs, any Way or Lane leading out of the ſame; and there to take, and cauſe to be taken and levied, ſuch Tolls as are by this Act made payable at any Gate or Turnpike to be erected by virtue hereof, ſo as the ſame do not extend to a double Charge upon any Perſon or Perſons paſſing through any other of the Gates or Turnpikes erected by virtue of this Act. Truſtees may erect Turnpikes on the Sides of the Roads, and take Tolls thereat, ſo as the ſame extend not to a double Charge.

Provided always, and be it further enacted by the Authority aforeſaid, That no Turnpike, Side-bar, or Gate, ſhall be erected by virtue of this Act, on any Part of the antient Road called The Watling Street, lying and being between High Croſs and the Three Pots, unleſs the Side-gate now erected thereon at the Croſs and Hand, otherwiſe called Lutterworth Hand, be firſt taken away. Proviſo.

And be it further enacted by the Authority aforeſaid, That the ſaid ſeveral Gates or Turnpikes and Toll-houſes, erected by virtue of this Act, and the Rights and Properties to and of the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cauſe any Action or Actions to be brought in the Name of their Treaſurer or Clerk, or to prefer and order and direct the preferring of any Indictment againſt any Perſon or Perſons as ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, or any Ditches, Mounds, or Fences, which ſhall, by virtue of this Act, be erected or made upon, in, or acroſs, or on the Sides of, the ſaid Roads, or By-ways, or any or either of them, or any Part thereof, or any of the Materials of which the ſame ſhall be made, built, or conſiſt. Property of the Turnpikes and Toll-houſes, &c. veſted in the Truſtees.

And it is hereby further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and impowered, from time to time, to leſſen the ſeveral Tolls and Duties hereby granted and made payable, and to order and direct the ſame to be collected, received, and taken in ſuch Manner, Parts, and Proportions, as they ſhall think fit; any thing herein contained to the contrary notwithſtanding. Truſtees may leſſen the Tolls.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted, for the paſſing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the ſame Perſon, upon producing a Note or Ticket denoting ſuch Payment, ſhall be permitted to paſs through the ſame Gate or Turnpike, with the ſame Carriage or Cattle, Toll-free, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which ſaid Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, ſhall give or diſpoſe of the ſame to any Perſon or Perſons, in order to avoid the Payment of the ſaid Toll or Duty, every ſuch Perſon, giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving the ſame, being thereof convicted upon Oath before the ſaid Truſtees, or any Five or more of them (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered and required to adminiſter) ſhall reſpectively forfeit and pay the Sum of Twenty Shillings.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for carrying through any of the Turnpikes, to be erected by this Act, any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the ſaid Road; or for mending any of the Highways in the Pariſhes or Townſhips in which the Road, directed by this Act to be repaired, doth lie; or going for or returning through any of the ſaid Turnpikes with any Dung, Mould, or Compoſt, of any Nature or Kind whatſoever, to be laid upon Grounds, Arable, Meadow, or Paſture, or Gardens (Lime only excepted) nor ſhall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Waggons, Wains, or other Carriages, or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt, which ſhall be uſed or employed in the Carriage of any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Yards, or Backſides, of the Owners thereof; nor for any Ploughs, Harrows, or other Implements of Husbandry; or for any other Things whatſoever belonging to, or employed by, ſuch Inhabitants reſpectively only in Husbandry,

Husbandry, manuring or stocking of Lands lying within such Parishes, Townships, or Places adjoining to the said Road; nor shall any of the Tolls or Duties aforesaid be demanded or taken for any Horses, Geldings, Mares, or any other Cattle, going to or returning from Pasture or Water belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said Road; or for any Post-horses or Vehicle carrying the Mail or publick Packet; or for the Horses of any Officers or Soldiers on their March; or for Carts, Carriages or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Carriages travelling with Vagrants sent by legal Passes.

Provided nevertheless, That if any Person shall claim or 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 Twenty Shillings. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage, go or pass through any Ground, Parcel of Land, or other Places adjoining to, or lying near the said Road, or any of the Gates or Turnpikes, by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly permit or suffer any Person or Persons with any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart, or other Carriage, to go or pass through the same Ground, Land, or Hereditament; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Cart or Carriage as aforesaid, whereby the Payment of any of the said Tolls shall be evaded, that then, and in any of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, Penalty on Persons going thro' or permitting private Passage, or taking off Horses, &c.

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One Moiety thereof ſhall be paid to the Informer or Informers of ſuch Offence reſpectively, upon whoſe Oath or Oaths the ſaid Offender or Offenders ſhall be convicted, to and for his and their own Uſe and Uſes; and the other Moiety thereof ſhall be applied towards amending the ſaid Roads.

And foraſmuch as the Money ſo to be collected by the Receipt of the Tolls or Duties by this Act laid and made payable, as aforeſaid, will not at preſent be ſufficient for the ſpeedy widening and repairing of the ſaid Roads; be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby impowered, from time to time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the ſaid Tolls or Duties, or any Part thereof, ariſing by virtue of this Act, (the Coſts and Charges of ſuch Aſſignment or Mortgage to be born and paid out of the ſaid Tolls or Duties) for any Time or Term during the Continuance of this Act, or any Part of ſuch Time or Term, as a Security for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees for that Purpoſe, to ſuch Perſon or Perſons, or his, her, or their Truſtees, as ſhall advance and lend ſuch Money, to ſecure the Repayment thereof, with the Intereſt for the ſame; which ſaid Money ſhall (after paying the Expences of obtaining this preſent Act) be applied and diſpoſed of as the Tolls or Duties by this Act are directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

Truſtees may borrow Money upon the Credit of the Tolls.

Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Tolls to be collected, after their Firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the ſaid Truſtees, upon all the Turnpike-gates erected, or to be erected, by virtue of this Act, at leaſt Fourteen Days before the borrowing ſuch Money.

Notice to be given of borrowing Money.

And be it further enacted by the Authority aforeſaid, That all and every the Mortgage and Mortgages, Aſſignment and Aſſignments, ſo to be made by the ſaid Truſtees, for ſecuring ſuch Sum or Sums of Money, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Treaſurer; which ſaid Book or Books ſhall and may be peruſed, at all reaſonable Times, by any Perſon or Perſons whomſoever, without Fee or Reward.

Entries to be made of all Aſſignments.

And

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And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons, to whom any ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, ſhall be made, or who ſhall be intitled to the Money thereby ſecured, ſhall and may, from time to time, on the Back of his, her, or their Security, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt Money thereby ſecured, to any other Perſon or Perſons whomſoever; and the ſaid original Aſſignment, after ſuch Transfer ſhall be made, ſhall be produced and notified to the ſaid Clerk or Treaſurer appointed or to be appointed by the ſaid Truſtees, or any Five or more of them, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book to be kept for entering the ſaid original Aſſignments; and after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall make ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Money thereby due, or any Part thereof.

Aſſignments may be transferred.

Entries to be made of all Aſſignments.

Provided always, That no Preference or Priority ſhall be given to any Security or Securities that ſhall be made by the ſaid Truſtees, to any Perſon or Perſons whomſoever, who ſhall advance or lend any Sum or Sums of Money upon the Credit of the ſaid Tolls or Duties.

No undue Preference to be given.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, preſent at the firſt or any ſucceeding Meeting, may, and are hereby authorized and impowered to chooſe and appoint fit and proper Perſons to be Collectors and Receivers of the Tolls by this Act made payable; and proper Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Roads; and ſhall take ſuch Security from them for the due Execution of their reſpective Offices, as the ſaid Truſtees, or any Five or more of them, ſhall approve of; and ſhall alſo appoint ſuch other Officer or Officers as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or convenient; and ſuch Collectors or Receivers, Clerks, Treaſurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or diſplace, and to elect and appoint others in the Rooms and Places of ſuch of them as ſhall be ſo removed, or ſhall die; Notice of the

Truſtees may appoint Officers;

and remove them, and appoint others.

Time and Place of Meeting for ſuch Election being fixed on all the Turnpikes erected by virtue of this Act, at leaſt Ten Days before ſuch Election; and may, and they are hereby authorized and impowered, out of the Money which ſhall ariſe by the Tolls aforeſaid, to allow and pay to the ſeveral Collectors or Receivers, Clerks, Treaſurers, Surveyors, and other Officers, who ſhall be appointed as aforeſaid, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them, or any of them, in or about the repairing or widening the ſaid Roads, or any Part thereof, ſuch Salaries, Rewards, and Allowances for their Attendances, Care, and Services therein, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

Truſtees to allow Officers Salaries.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors to be appointed by the ſaid Truſtees, or any Five or more of them as aforeſaid, and ſuch Perſon and Perſons as he and they ſhall appoint, to dig, gather, take, and carry away, or cauſe to be digged, gathered, taken, and carried away, any Gravel, Furze, Heath, Sand, Stone, Flints, or other Materials, out of any River or Brook, or out of or from any Waſte or Common Ground or Grounds in any Pariſh, Town, or Place, in and adjoining to the Roads aforeſaid, proper and convenient for repairing of Roads, or in any adjoining Pariſh, Town or Place, to be uſed, diſpoſed of, and applied in repairing the ſaid Roads, without paying any thing for the ſame; ſuch Surveyor or Surveyors filling up and levelling, or cauſing to be filled up and levelled, all ſuch Holes and Pits where any ſuch Materials as aforeſaid ſhall be digged, gathered, or taken, and from whence the ſame ſhall be carried away; and where there is not ſufficient of any ſuch Materials, in any ſuch Rivers, Brooks, Commons, or Waſte Grounds, as aforeſaid, it ſhall and may be lawful for ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to dig and gather ſuch Materials in, and carry the ſame out of the ſeveral Grounds of any Perſon or Perſons (not being the Ground whereon any Houſes or Buildings ſhall, for the time being, ſtand, or Garden, Orchard, Yard, Park, or planted Walk or Walks, or Avenue to any Houſe, or any Piece or Parcel of Ground, planted, ſet apart, and uſed as a Plantation and Nurſery for Trees) where ſuch Materials are, or may be found, and from time to time to carry away the ſame, or ſo much thereof, as the ſaid Surveyor and Surveyors ſhall judge neceſſary for repairing and amending the Roads aforeſaid, paying ſuch Sum or Sums of Money

Surveyors may dig Gravel, &c. from Waſte Grounds, without paying for the ſame; levelling the Pits;

If ſufficient Materials cannot be had there, they may be taken from private Grounds;

Money for the Damage done to the Owners and Occupiers reſpectively of the Grounds where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees, appointed or to be appointed for repairing the ſaid Road, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference or Diſpute concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden in the County where and from whence ſuch Materials ſhall be digged, gathered, taken, and carried away, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

making Satisfaction to the Owners of the Ground.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by the Direction of the ſaid Truſtees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances in or upon any Part of the Roads aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, Watercourſes, Sinks, or Drains, running into the ſame, or otherwiſe: And if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before any One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay unto the ſaid Truſtees the Sum of Twenty Shillings.

Surveyor may remove Annoyances, &c.

Penalty on a Second Offence.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, or any other Perſon or Perſons by him or them appointed or employed, may, and is and are hereby authorized and impowered (the ſaid Surveyor or Surveyors, or other Perſons, having a Warrant or Order from and under the Hands of the ſaid Truſtees, or any Five or more of them, for that Purpoſe) to make, or cauſe to be made, any Cauſeway or Cauſeways, and to cut and make Drains through and over any Part of the ſaid Roads, or through or over any Lands adjoining to the ſame; and alſo to make and erect Bridges or Arches of Brick, Timber, or Stone, upon the ſame, and to widen any narrow Part or Parts of the ſaid Roads, for the better Accommodation of Carriages and Paſſengers, by opening, clearing, or laying into the ſame any Grounds

Surveyors may make Cauſeways

cut Drains, &c.

of any Person or Persons lying contiguous thereto (not being an House, Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to any House) and to cut down and remove any Trees, Bushes, or Underwoods, growing in or upon the Roads where such Roads are not Forty two Feet wide; and also to cause Ditches and Trenches to be made in such Manner as such Surveyor or Surveyors, by Order of the Trustees, or any Five or more of them, shall adjudge necessary for the better amending, widening, and keeping the said Roads in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid into the said Roads, or through which any such Drain or Drains shall be cut, or on which any such Bridge or Bridges, Arch or Arches, shall be made, for the Damage which such Owner or Owners shall or may thereby sustain, as the said Trustees, appointed, or to be appointed, for repairing the said Road, or any Five or more of them, shall adjudge reasonable; and in case of any Difference or Dispute concerning the same, between such Owner or Owners and the said Trustees, touching such Damage, or concerning the Value of such Ground which shall be so laid into the said Roads, the same shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions to be holden for the County where such Ground shall lie which shall be so laid into the said Roads, or through or over which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Bridge or Bridges, Arch or Arches, shall be erected, or such Causeways made; which Adjudication of the Justices shall be final: And if any Owner or Owners of any Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour or cleanse the same Twice in every Year, during the Continuance of this Act, after Ten Days Notice shall be given for that Purpose, by the said Surveyor or Surveyors to be appointed, or by such Person or Persons as shall be appointed by him or them, to the Owner or Owners of such Watercourses, Ditch or Ditches, it shall and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men at Work to scour and cleanse the same, and by Warrant under the Hand and Seal of One or more Justice or Justices of the Peace of the County or Place where the Owner or Owners of any such Watercourses or Ditches shall reside, to levy the Charge thereof upon the Person, Goods, or Estates of the respective Owners or Occupiers of such Watercourses, Ditch or Ditches, by Distress and Sale of his,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Owners of Watercourses, &c. neglecting to scour the same,

Surveyors may set Men at Work thereon,

her,

ther, and their Goods and Chattles, rendering the Overplus (if any be) to such Owners or Occupiers respectively, after all Charges paid, when demanded. and levy the Charge by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground planted, set apart, and used as a Plantation or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer, making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, through, over, or along, which such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them: And in case any Difference shall happen between such Owners or Occupiers, and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace at their next General Quarter Sessions of the Peace, or at their Second Quarter Sessions at farthest, to be holden for the County in which such temporary Roads shall lie, or the major Part of them present at such Quarter Sessions; and they are hereby required to hear, settle, adjudge, and finally determine the same. Trustees may make a temporary Road; making Satisfaction to the Owners of the Grounds. Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That all Lands, Tenements, and Hereditaments, and all Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, and also all Persons who are or shall be subject or chargeable to the Repair of any Part or Parts of the said Roads, shall remain liable and chargeable to such Repairs, and all such Persons shall do their respective Works in the Parishes or Places through or into which the said Roads lead, in such Manner as such Persons ought to have done in case this Act had not been made; and that it shall be lawful for any Five or more of the said Trustees, by their Surveyor or Surveyors, yearly and every Year, during the Continuance Persons liable to do Statute-work, to continue so.

nuance of this Act, to summon the Surveyors of the Highways for the respective Parishes or Places wherein any Part of the said Roads do lie, to bring in Writing under their respective Hands, before the said Trustees, or any Five or more of them, upon Oath, within Fourteen Days next after such Summons (which Oath the said Trustees, or any Five of them, are hereby impowered to administer) a List of the Names of all the Persons who are obliged, by Law, to do their Statute-work, for that Year, with Teams and Draughts, or otherwise, within such Parishes or Places respectively; and shall distinguish and set forth in such Lists, the Number of Days Work which each Person ought to do on the Roads in such Parishes or Places respectively, and also the Number of Teams and Draughts which each Person is liable to send to work on the said Roads; and the said Trustees, or any Five or more of them, shall and may order and appoint how many Days Work shall be done in each Year by such Persons on the said Road, so as that the same shall not extend to subject the Inhabitants of any Parish or Place to more than Three Days Work on the said Roads in any One Year, or to oblige any of the said Inhabitants to perform the same in Hay-time, or Harvest-time; and which said Statute-work shall be done by such Persons, at such Times, in such Manner, and in such Parts of the said Roads, within such respective Parishes and Places, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall, from time to time, direct and appoint; and the said Parish Surveyor or Surveyors, for the time being respectively, within Ten Days after Notice shall, from time to time, be given to him or them, by the said Turnpike Surveyor or Surveyors, how many of the Persons, so appointed as aforesaid to perform the said Statute-work, he or they would have to do such their respective Statute-work in or upon any Part of the said Roads, shall summon or give publick Notice thereof to such respective Persons; and that every Person shall, for every Fifty Pounds a Year of Lands, Tenements, or Hereditaments, which he or she shall rent or occupy, within any such respective Parish or Place, send One Team and Draught to perform such Work on the said Roads, each Team and Draught not to consist of less than Three able Horses; and if any Person shall, after such Notice as aforesaid, neglect or refuse to do such Statute-work, at such Times, and in such Manner as aforesaid, every such Person shall, for each Day's Default, forfeit the Sum of Ten Shillings for each Team and Draught;

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

Penalty on Persons not performing Statute-work.

and

and every other Person liable to perform such Statute-work as a Labourer, shall forfeit the Sum of One Shilling and Six Pence for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to discharge every such Person, and in such Case, it shall be deemed as if such Person had not come or been sent to work, and the Person so discharged, or the Person or Persons on whose Behalf such Person so discharged shall have been sent to work, shall be liable to such respective Penalties as aforesaid: And in case any of the said Surveyors of the Highways for any such Parish or Place, shall refuse or neglect to give in a List of the Names as aforesaid, or to give such Notice to any of the said Inhabitants, or other Persons, liable to do such Statute-work, for them to perform their Statute-work as aforesaid, every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Persons found idle to be returned off.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Roads belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Road, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid.

Trustees may compound with Parishes for Statute-work.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes, to be erected on the said Roads, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriages, Horse, Gelding, Mare, Ass, Mule, or other Cattle, for any Sum or Sums, to be paid quarterly, from time to time, after such Agreement shall be made.

Trustees may compound with Travellers.

Provided

Composition-money how to be recovered and applied.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act Toll-free, or in lieu of any Work or Repairs to be done by any Owners, Occupiers, or Possessors of any Lands, Tenements or Hereditaments, or such Bodies Politick or Corporate liable or chargeable, by Tenure of Lands as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement as that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace, for the County wherein such Parish or Parishes doth or do lie, by Warrant under his or their Hand and Seal, Hands and Seals, to impower any Person or Persons authorized by the said Trustees, or any Five or more of them, to recover such Composition-money (Oath being first made that the same has been demanded, and remains unpaid) which Oath the said Justice or Justices is and are hereby impowered and required to administer) to levy such Composition-money, by Distress and Sale of the Goods of the Person and Persons so having compounded for passing through any of the Turnpikes Toll-free, as aforesaid, or of such Person or Persons who shall so compound for or in respect of the said particular Work or Repairs to be done as aforesaid, returning the Overplus (if any be, and demanded) after the Charges of such Distress and Sale thereout first deducted.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees or any Five or more of them, may, and are hereby authorized, impowered, and required to cause the said Roads to be measured, and Mile-stones, or Posts, to be fixed or set up in, or on the Sides of, the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every Person so offending, and convicted thereof, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of

Penalty on defacing Mile-stones, &c.

to be levied by Distress and sale.

the Peace for the County or Place where the Offence ſhall be committed, before whom ſuch Conviction ſhall be made; One Moiety of which Forfeiture ſhall go to the Informer; and the other Moiety ſhall be laid out and applied in repairing the Stones or Poſts ſo broken, pulled down, obliterated, or defaced, or in ſupplying new Ones in their Stead; and if there ſhall be any Overplus of ſuch Forfeitures, the ſame ſhall be laid out in repairing the Roads aforeſaid: And in caſe the Perſon or Perſons ſo offending, and convicted, ſhall have no Goods or Chattles, then it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace as aforeſaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol of the County wherein ſuch Offence ſhall be committed; there to remain for the Space of Two Calendar Months, to be reckoned from the Day of Commitment, and the Perſon or Perſons ſhall not be diſcharged till he, ſhe, or they, ſhall have paid the Sum of Forty Shillings, or until the Expiration of the ſaid Two Calendar Months.

For want of Diſtreſs the Offender to be committed.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed and incurred (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall be recovered by Diſtreſs and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace of the County or Place where the reſpective Party or Parties, who ſhall incur ſuch Penalties and Forfeitures, ſhall live; which Warrant or Warrants ſuch Juſtice or Juſtices of the Peace is and are hereby impowered and required to grant, upon the Information of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be, and demanded) to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall go and be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers for the time being, and ſhall by them reſpectively be applied and laid out (if not otherwiſe applied and diſpoſed of by this Act) for and towards the amending the Roads intended to be repaired by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall

Perſons aggrieved may appeal.

think him, her, or themselves aggrieved, by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him, or them given, such Person or Persons may appeal to the Justices, at the next General Quarter Sessions of the Peace for the County or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement; he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths or Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, at their said Sessions, upon due Proof of such Notices being given as aforesaid, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned and interested therein.

14 Days Notice of Appeal to be given.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made, in pursuance of this Act, or in Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by Certiorari, into any of his Majesty's Courts of Record at Westminster, until the Person or Persons, who shall sue out or prosecute such Writ, shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order, shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be or intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Proceedings not to be quash'd for want of Form only;

nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Money that shall be collected, received, borrowed, laid out, expended, and paid, by virtue of this Act, and

Proceedings to be entered in a Book.

of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duties whatsoever.

No Order to be repealed unless Nine Trustees are present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless Nine of the Trustees shall be then present.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance from the passing of this Act for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Three Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special

General Issue.

cial Matter, in Evidence at any Trial or Trials which ſhall be had thereon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants; or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts in any other Caſes by Law.

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 ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.