Anno ſeptimo

Georgii III. Regis.

An Act for amending and widening the Road leading from the *Bell Inn* at *Northfield*, in the County of *Worceſter*, to the *Wootton Turnpike*, in the great Turnpike Road leading from *Stratford upon Avon*, in the County of *Warwick*, to *Birmingham* in the ſame County.

WHEREAS the Road leading from the Bell Inn at Northfield, in the County of Worceſter, ſituate in the great Turnpike Road leading from Bromeſgrove in the ſame County, to the Town of Birmingham, over a certain Common or Heath called Weſt Heath, in the ſaid County of Worceſter, unto and over Weatherock Hill, and the ancient Road or Highway called The Portway; and from thence unto and through the Village or Street called Ullenhale Street, in the County of Warwick, unto the Turn- Preamble.

pike or Toll-gate called Wootton Turnpike, ſituate in the great Turnpike Road leading from Stratford upon Avon, in the ſaid County of Warwick, to the Town of Birmingham in the ſame County, is in many Parts thereof ſo deep, miry, narrow, and ruinous, as to be often dangerous for Carriages and Paſſengers, and the ſaid Road cannot be effectually or ſufficiently amended, widened, and kept in Repair, by the ordinary Courſe of Law: Therefore, to the Intent that the ſaid Road may, with all convenient Speed, be effectually repaired, widened, and amended, and hereafter kept in good Repair; May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Robert Earl of Catherlough, in the Kingdom of Ireland; Harry Grey, commonly called Lord Grey; George Greville, commonly called Lord Greville; Francis Seymour Conway, commonly called Lord Viſcount Beauchamp; the Honourable John Ward, the Honourable Booth Grey, the Honourable John Grey, the Honourable John Grey junior, the Honourable Charles Francis Greville, the Honourable Robert Fulk Greville, the Honourable Henry Conway, the Honourable Edwyn Sandys, the Honourable Andrew Archer, the Honourable Thomas Lyttelton, the Right Honourable Sir John Ruſhout Baronet, the Right Honourable William Dowdeſwell, Sir Charles Mordaunt Baronet, Sir Lyſter Holt, Sir Robert Throckmorton, Sir Henry Bridgeman, Sir Francis Skipwith, Sir Henry Parker, Baronets; John Mordaunt Eſquire, John Ruſhout, Thomas Skipwith, John Parker, Eſquires; Henry Archer, William Bromley, Eſquires; the Reverend Thomas Beſt Clerk, Robert Burton, Dionyſius Bradley, Eſquires; Francis Brittain, John Brookholding, Thomas Brigham Eſquire, William Bradford, Samuel Clarke, Jervoiſe Clarke, Thomas Cookes, Thomas Chambers, Thomas Chambers junior, Eſquires; the Reverend Daniel Collins Clerk, Thomas Chambers, Abraham Crane, Joſeph Crane, Thomas Clarſon ſenior, Thomas Clarſon junior, Robert Clarſon, the Reverend Richard Dovey Clerk, the Reverend Joſeph Deakin Clerk, the Reverend John Dolben Clerk, John Dolben junior, Thomas Dolben, Clerks; Henry Dowler, John Dewes Eſquire, William Dyde, William Eaves, William Evitts, Ferrers Eſquire, John Fitter, Thomas

Truſtees Names.

Thomas Fitter, the Reverend Daniel Gaches Clerk, Edward Gibbs Eſquire, William Gueſt, Benjamin Gueſt, Richard Goſling, Peter Holford Eſquire, John Scott Hylton Eſquire, William Hollyoak, William Hurtle, William Hunt Gentleman, Thomas Hollyoak Gentleman, Samuel Hanſon junior, Thomas Hunt, Triſtram Huddleſton Jervoiſe Eſquire, Samuel Jarvis, Richard Inſull, George Johnſon Gentleman, John Knottesford Eſquire, William Henry Lyttelton Eſquire, Humphrey Lyttelton Eſquire, Philip Lyttelton Eſquire, John Lyttelton Eſquire, Thomas Lloyd Eſquire, William Loggin, Edward Loggin, Clerks; Captain Robert Lyttelton, George Lucy, Thomas Mortibey's Eſquire, Thomas Marſton, Thomas Maſon, Eſquires; the Reverend Stephen Naſon Clerk, Thomas Nott, John Parthericke Eſquire, Benjamin Palmer Eſquire, Samuel Powell, William Powell, William Powell junior, the Reverend Other Philpott Clerk, Thomas Price, Thomas Palmer, William Palmer, Joſeph Palmer, Thomas Perkins, John Payton, John Payton junior, John Parker, Wilſon Ayleſbury Roberts Eſquire, John Ruſton Gentleman, William Roe, Joſeph Roe, Joſeph Ryal, John Soley Eſquire, John Soley junior, William Sheldon, Eſquires; the Reverend Edward Seagrave, the Reverend Samuel Seagrave, Clerks; the Mayor, Aldermen, and Burgeſſes of Stratford upon Avon, for the time being; the Reverend Thomas Lockey Soley Clerk, Rector of Northfield; William Smith Eſquire, Ferdinando Smith Eſquire, Joſeph Sheward, Thomas Sheward, James Sargent, Joſeph Turnpenny Eſquire, Robert Throckmorton Eſquire, John Courtenay Throckmorton Eſquire, Nathaniel Taylor, Taylor, Thomas Vernon Eſquire, John Vernon, John Wright, John Venner, Eſquires; James Weſt Eſquire, James Weſt junior Eſquire, the Reverend John Waugh Clerk, John Wright Eſquire, William Wight, John Walford, Thomas Wight Eſquire, Harry Wagſtaffe, Walter Woodcock Eſquire, John Whitehouſe, William Whiſſell, John Wilkes, Goodwin Zouch, ſhall be, and they and their Succeſſors, to be elected in ſuch Manner as is herein after mentioned, are hereby appointed Truſtees for the ſurveying, ordering, repairing, amending, widening, and keeping in good Repair, the ſaid Road, and alſo for putting in Execution all and every the Powers by this Act given and granted; and that the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time, during the Continuance of

Truſtees may erect Turnpikes and Toll houſes,

this preſent Act, cauſe to be erected and ſet up One or more Turnpike or Turnpikes, Gate or Gates, Toll-houſe or Toll-houſes, in, upon, acroſs, or on the Side or Sides of any Part or Parts of the ſaid Road, or of any Lane or Way leading into the ſame, and alſo remove the ſame, from time to time, as they, or any Five or more of them, ſhall think proper (the Conſent in Writing of ſuch Perſon or Perſons who ſhall have lent Two Thirds of the Money advanced thereon, being firſt obtained.)

(except on the *Portway*, and from *Northfield Church* to the *Bell Inn*)

Provided nevertheleſs, That no Turnpike or Gate ſhall be erected upon that Part of the ſaid Road called The Portway, from Inkford Brook, to a Lane leading into Ullenhale Street, or between Northfield Church and the Bell Inn aforeſaid; any thing herein contained to the contrary notwithſtanding.

and take Tolls thereat.

And be it further enacted by the Authority aforeſaid, That the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon and Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from time to time appoint to collect and receive the ſame, before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, Oxen, Calves, Swine, Sheep, Lambs, or other Cattle, Coach, Waggon, or other Carriage, ſhall be permitted to paſs through any Gate or Turnpike to be erected in purſuance of this Act; that is to ſay,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Six Pence; and for every Chaiſe or Chair drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Six Pence; and drawn by One Horſe, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Cart, or Carriage, laden only with Grain, Six Pence; and for every other Waggon, Wain, or other Carriage, One Shilling.

For every Cart not laden only with Grain, Eight Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, One Penny.

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

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

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, and as a Toll or Tolls; which ſaid Tolls, and alſo all and every Sum and Sums of Money to be raiſed, collected, or levied, by the Authority or in purſuance of this Act, or which ſhall be borrowed on the Credit thereof, in manner herein after mentioned and directed, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees and their Succeſſors; and the ſame and every Part thereof, ſhall be applied and diſpoſed of to and for the ſeveral Uſes and Purpoſes, and in the Manner herein after mentioned and directed. The Tolls. Tolls veſted in the Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That if there ſhall be Two or more Turnpikes or Toll-bars erected in, acroſs, or on the Side of the ſaid Road, then, and in ſuch Caſe, the Tolls and Duties hereby granted and made payable, ſhall and may, if the ſaid Truſtees, or any Five or more of them, ſhall think fit, be divided and allotted into ſo many Parts, Shares, and Proportions, as the ſaid Truſtees, and their Succeſſors, or any Five or more of them, ſhall direct or appoint; and ſuch Parts thereof ſhall be taken and received at ſuch and ſo many of the ſaid Turnpikes or Toll-gates, as by the ſaid Truſtees and their Succeſſors, or any Five or more of them, ſhall be ordered and appointed for that Purpoſe, and not otherwiſe. Truſtees may proportion the Tolls.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no more than One full Toll ſhall be paid in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for the ſame Horſe, Beaſt, Cattle, or Carriage, at all or any of the Turnpikes or Toll-gates erected or to be erected as aforeſaid; but that all Perſons, after Payment of the full Tolls by this Act impoſed, and hereby directed to be raiſed and paid, upon any Part of the ſaid Road, ſhall afterwards, during the Day on which ſuch Toll or Tolls ſhall have been ſo paid, paſs with the Horſe, Beaſt, Cattle, or Carriage, for which ſuch Toll or Tolls was or were paid, through all the Turnpikes erected or to be erected in purſuance of this Act, upon producing a Note or Ticket, denoting the Payment of ſuch Toll Tolls to be paid but Once a Day.

Toll or Tolls; which Notes or Tickets the Collectors of the said Tolls respectively, are hereby required to give gratis, on Receipt of the said Tolls.

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 this 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, 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, Out-houses, Barns, Yards, or other Places belonging to the respective Inhabitants of the several Townships 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 and Townships 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 said 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 such Election shall begin or be concluded; nor shall any Persons be chargeable with any of the Tolls aforesaid for passing through any Turnpike to be erected by virtue of this Act, going

going to or from Church, Chapel, or other Place of religious Worſhip, on Sundays, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid ſeveral Pariſhes in which any Part of the ſaid Road doth lie; or for any Clergyman who ſhall be going to, or returning from, viſiting the Sick, or baptizing Children, in any of thoſe Pariſhes; nor for any Horſes or Cattle, or Carriage, unleſs they ſhall paſs the Space of Three hundred Yards on ſome Part of the Road by this Act directed to be repaired: 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 of making illegal Claims.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons by this Act made ſubject and liable to the Payment of any of the Tolls aforeſaid, ſhall, after Demand thereof made, neglect or refuſe to pay the ſaid Tolls, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect and receive the ſaid Tolls as aforeſaid, to levy the ſame by Diſtreſs of any Horſe or Horſes, or other Cattle, together with their Furniture, or of any Carriage, upon which any Toll is by this Act impoſed, or of any of the Goods and Chattles carried or drawn by or on ſuch Cattle or Carriage; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, ſuch Perſon or Perſons ſo diſtraining may ſell the Horſes, Cattle, Furniture, Carriages, and Goods, ſo diſtrained, returning the Overplus (if any) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid. Tolls to be levied by Diſtreſs and Sale. Diſtreſs to be ſold after 5 Days.

And, for preventing Frauds and Abuſes in the ſaid Tolls or Duties, be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid the Tolls or Duties by this Act impoſed, and having a Note or Notes, Ticket or Tickets, ſignifying the Payment thereof, or being otherwiſe poſſeſſed of ſuch Ticket or Tickets, ſhall give or diſpoſe of any ſuch Ticket or Tickets to any other Perſon or Perſons, in order to enable ſuch Perſon or Perſons to avoid the Payment of the ſaid Tolls or Duties, or any Part thereof; every ſuch Perſon ſo giving or diſpoſing of ſuch Ticket or Tickets, and alſo the Perſon receiving the ſame, and making uſe thereof to avoid the Payment of the ſaid Penalty on giving or receiving Tickets.

Tolls or Duties, or any Part thereof, being convicted thereof upon the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtices of the Peace for the ſaid Counties of Warwick or Worceſter, within their reſpective Juriſdictions (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of Forty Shillings, to be levied, recovered, and applied, as the other Forfeitures are by this Act directed to be recovered, applied, or diſpoſed of.

Penalty on permitting, or going thro' private Paſſage, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons owning, renting, or occupying, any Lands or Grounds near to the ſaid Road, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons to paſs through any Grounds, Gate, Paſſage, Field, Incloſure, or private Way, with any Coach, Waggon, or other Carriage, Horſe, Mare, Gelding, Beaſt, or other Cattle, whereby the Payment of all or any of the Tolls or Duties by this Act directed to be paid, ſhall or may be avoided; or if any Perſon or Perſons travelling and going on the ſaid Road, or any Part thereof, with any Horſe, Mare, Gelding, or other Cattle, or with any Coach, Waggon, Cart, or other Carriage, ſhall go out of ſuch Road, and paſs through any ſuch Gate, Paſſage, Field, Incloſure, Grounds, or private Way, with any Cattle or Carriage as aforeſaid, whereby the Payment of any of the ſaid Tolls or Duties by this Act impoſed, or any Part thereof, ſhall or may be avoided; or if any Perſon or Perſons travelling or going on the ſaid Road, or any Part thereof, with any Waggon, Cart, or other Carriage, ſhall unload any Sort of Goods or Merchandizes; or take off, or cauſe to be taken off, any Horſe, Mare, Gelding, or other Cattle, from any ſuch Carriage, before the ſame ſhall come to any of the ſaid Toll-gates or Turnpikes, with Intent to avoid paying any of the ſaid Tolls, or any Part thereof; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Cattle or Carriage as aforeſaid, with ſuch Intent as aforeſaid; and being thereof convicted upon Oath, before any One or more Juſtice or Juſtices of the Peace for the ſaid Counties of Worceſter or Warwick, where the Offence ſhall be committed (which ſaid Oath the ſaid Juſtice or Juſtices is and are hereby alſo impowered to adminiſter) every Perſon ſo offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or their Treaſurer for the time being, the

or unloading Goods,

or taking off Horſes, &c.

to avoid Payment of the Tolls.

Sum

Sum of Forty Shillings; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied, recovered, and diſpoſed of, in ſuch Manner as is herein after directed.

Application of Monies.

And be it further enacted by the Authority aforeſaid, That out of the firſt Monies ariſing by the Tolls and Duties, which ſhall be collected at the ſeveral Turnpikes or Toll-gates ſo to be erected in purſuance of this Act, or out of ſuch Monies as ſhall be advanced, lent, or borrowed, upon the Credit thereof, the Truſtees for repairing the ſaid Road, and their Succeſſors, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences and Charges incident to and attending the obtaining and paſſing this Act of Parliament, and alſo the Charges and Expences of putting up and erecting ſuch Turnpikes and Toll-houſes as they ſhall think proper to put up and erect in purſuance of this Act; and that from and after paying the ſaid Expences and Charges, then, and from thenceforth, the Money ariſing by the Tolls and Duties which ſhall be collected at any Turnpike or Turnpikes which ſhall be then or hereafter erected in purſuance of this Act, or which ſhall be borrowed on the Credit of the ſaid Tolls and Duties, ſhall be laid out and applied for and towards the repairing the ſaid Road, and other neceſſary Charges attending ſuch Repairs, in ſuch Manner and Proportions as the ſaid Truſtees, or any Five or more of them, ſhall from time to time direct or appoint, and to no other Uſe or Purpoſe whatſoever.

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

And be it further enacted and declared by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held for that Purpoſe, may, and they are hereby impowered, from time to time, if 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 Manner, Parts, and Proportions, as they ſhall think fit, ſo as Twenty Days Notice be fixed in Writing upon the ſeveral Turnpike-gates, which ſhall be erected on the ſaid Road where ſuch Tolls are intended to be reduced; and ſo as ſuch Reduction be with the Conſent of the ſeveral Perſons who at the Time of ſuch Reduction ſhall be intitled to Two Thirds of the Money ſecured thereby; and alſo, from time to time, if they ſhall ſee Occaſion, to raiſe ſuch Tolls again, or any Part thereof, as they ſhall find neceſſary, ſo as the ſame do not exceed the reſpective Rates or Tolls herein before granted; and ſuch Tolls ſo reduced, or raiſed again, ſhall be collected, recovered,

and raiſe them again.

covered, and applied, in the ſame Manner as the Tolls herein before granted by this Act are directed to be collected, recovered, and applied.

Turnpikes, &c. veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of and in all the ſaid Turnpikes and Toll-houſes, and of the Materials for building the ſame, and for repairing the ſaid Road, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees and their Succeſſors; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions in the Name or Names of any Five or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall keep Poſſeſſion of any of the ſaid Gates, Turnpikes, or Toll-houſes, after Notice given by the ſaid Truſtees, or any Five or more of them, or by the Clerk or Treaſurer for the time being, to ſuch Perſon or Perſons to quit the ſame; or againſt any Perſon or Perſons who ſhall ſteal, take away, break down or damage any of the Gates, Turnpikes, Toll-houſes, or Materials, or diſturb the ſaid Truſtees in the Poſſeſſion thereof.

Tolls may be aſſigned for Money borrowed.

And foraſmuch as the Monies to be collected by the Receipts of the Tolls or Duties by this Act made payable as aforeſaid, will not at preſent be ſufficient for the ſpeedy repairing of the ſaid Road, be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees and their Succeſſors, or any Seven or more of them, and they are hereby impowered, at their firſt or any ſubſequent Meeting, upon the Credit of the ſaid Tolls by this Act directed to be raiſed and paid, and in ſuch Manner, as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper, to borrow and take up, at legal or leſs Intereſt, ſuch a Sum or Sums of Money not exceeding Two thouſand Pounds as they, or any Seven or more of them, ſhall think fit and neceſſary for the Purpoſes of carrying this preſent Act into Execution; and alſo ſhall and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or aſſign over the ſaid Tolls and Duties, or any Part or Parts thereof (the Charges of ſuch Mortgages or Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons for any Time or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed and the Intereſt thereof; and Copies of all ſuch

Mortgages

Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, which ſaid Book or Books ſhall and may be ſeen and peruſed at all ſeaſonable Times by any Perſon or Perſons deſiring the ſame, without Fee or Reward.

Notice to be given of borrowing Money.

Provided always, That no Money ſhall be borrowed upon the Credit of the ſaid Tolls (after the Two Firſt Meetings by this Act appointed) unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes erected by virtue of this Act, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſon or Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made, or who ſhall be intitled to the Money thereby ſecured, is and are hereby impowerd, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be endorſed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer his, her, or their Right, Intereſt, or Benefit, in or to the Principal or Intereſt Money thereby ſecured, or any Part thereof, to any other Perſon or Perſons whomſoever; which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, 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 or Sums of Money therein mentioned to be transferred, in the Book or Books to be kept for entering the ſaid Original Aſſignments, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid the Sum of Two Shillings and no more; and ſuch Aſſignment ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payments thereon; and ſuch Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators, may in like manner again aſſign the ſame, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall make ſuch Aſſigment or Aſſignments, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof, or to do any Act to the Prejudice of his Aſſignee, or any ſubſequent Aſſignee; and all and every Perſon and Perſons, to

Aſſignments may be tranſferred.

Entries to be made of all Aſſignments.

Clerk's Fee.

whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls in an equal Degree one with another, and ſhall have no Preference in Reſpect to the Priority of advancing any ſuch Monies.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, at their firſt or any ſubſequent Meeting, ſhall and may by any Writing or Writings under their Hands and Seals, chooſe, nominate, and appoint, One or more fit Perſon or Perſons, to be Clerk, Treaſurer, Receiver, and Collector or Collectors, of the Tolls and Duties aforeſaid, and ſhall take ſuch Security for the due Execution of their reſpective Offices as the ſaid Truſtees, or any Five or more of them, ſhall approve of; and alſo ſhall and may nominate and appoint One or more fit Perſon or Perſons to be Surveyor to view the Condition of the ſaid Road, and to ſee that the ſame be duly repaired, widened, and kept in Repair, and alſo ſuch other Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary to employ in the Execution of this Act; and it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from time to time, to remove ſuch Clerk, Treaſurer, Receiver, Collectors, Surveyor, and other Officers, or any of them, as they ſhall ſee occaſion, and to appoint others in Caſes of Death or ſuch Removal; and the ſaid Tolls and Duties ſhall be paid after the Rates aforeſaid, to ſuch Perſon or Perſons as ſhall, from time to time, be ſo appointed to receive the ſame;

and remove them, and appoint others.

Officers to account upon Oath.

and the ſaid Treaſurer, Receiver, Collectors, Surveyor, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall, from time to time, as often as they, or any of them, ſhall be thereunto required by the ſaid Truſtees, or any Five or more of them, produce and give unto ſuch Truſtees, true and perfect Accounts in Writing, under their reſpective Hands, of all the Monies which ſhall have been by him or them reſpectively collected or received, and how, and to what Uſes the ſame, and every Part thereof, have been paid and applied, and produce the proper Receipts and Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in his or their Hands reſpectively to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or to ſuch Uſes or Purpoſes, as they the ſaid Truſtees, or any Five or more

more of them, ſhall direct and appoint; and that all ſuch Officers and other Perſons ſhall verify ſuch his or their Accounts upon Oath before the ſaid Truſtees, or any Five or more of them (which Oath any Two of the ſaid Truſtees are hereby impowered to adminiſter) and if any of the ſaid Officers, or other Perſons, ſhall not, when required, give ſuch Account, or ſhall refuſe to verify the ſame in Manner as aforeſaid, that then, and in any or either of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place where ſuch Officer or other Perſon ſhall live or reſide, upon Complaint made to him or them, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Receiver, Collector or Collectors, or other Officers, to be brought before him or them; and ſuch Juſtice or Juſtices, is and are hereby authorized and required, to make Inquiry concerning ſuch Default complained of, and to hear and determine the Matter of ſuch Complaint in a ſummary Way, and alſo to ſettle ſuch Account or Accounts; and if, upon the Confeſſion of the ſaid Party or Parties themſelves, or by the Teſtimony 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) it ſhall be proved to the Satisfaction of ſuch Juſtice or Juſtices, that ſuch Perſon or Perſons reſpectively is or are guilty of the Offence or Offences complained of, then, upon ſuch Proof and Conviction as aforeſaid, ſuch Juſtice or Juſtices ſhall and may, and is and are hereby required, to commit the Party or Parties ſo offending to the County Gaol of the County wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize, until he or they ſhall have made or given a true and perfect Account, and verified the ſame in Manner as aforeſaid; and in caſe any of the ſaid Officers, or other Perſons, after having ſo accounted, ſhall, upon Demand thereof made by the ſaid Truſtees, or any Five or more of them, refuſe or neglect to pay over unto the ſaid Truſtees, or any Five or more of them, any Sum or Sums of Money which ſhall have been by him or them received, or which ſhall have come to his or their Hands, under or by virtue of this preſent Act, and which ſhall appear to be remaining in his or their Hands, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place where ſuch Officer or Perſon ſhall live or reſide, and he and they is and are hereby authorized

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender.

Balance may be levied by Diſtreſs and Sale.

authorized and required, to make Inquiry touching ſuch Neglect or Refuſal, in a ſummary Way, in Manner as aforeſaid, and by Warrant under his and their Hand and Seal, or Hands and Seals, to cauſe all and every ſuch Sum or Sums of Money as ſhall appear to him or them to be due and unpaid, by or remaining in the Hands of ſuch Officer or Officers, Perſon or Perſons, as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers reſpectively, rendering the Overplus (if any) after the Money remaining due, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted, unto ſuch Officer or Officers, Perſon or Perſons, upon Demand; and if ſufficient Goods and Chattles of ſuch Officer or Officers cannot be found whereon to levy the ſame, then the ſaid Juſtice or Juſtices, or any other Juſtice or Juſtices of the Peace, ſhall and may, and he and they is and are hereby required to commit ſuch Officer or Officers, Perſon or Perſons, unto the County Gaol of the County wherein the ſaid Offence ſhall be committed, there to remain without Bail or Mainprize, until he or they ſhall have paid over ſuch Monies in Manner as aforeſaid, or ſhall have compounded for the ſame, and paid ſuch Compoſition-money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they, or any Five or more of them, ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled, are hereby impowered to make.

For want of Diſtreſs, Offender to be committed,

until Payment or Compoſition made.

And be it further enacted by the Authority aforeſaid, That out of the ſaid Tolls, or out of the Monies to be borrowed on the Credit thereof, ſuch Allowances and Compenſation ſhall be made to the Collector and Collectors, Surveyor, Clerk, Treaſurer, Receiver, and other Officers reſpectively, to be appointed and employed as aforeſaid, for and in Conſideration of his and their Care and Pains reſpectively taken in the Execution of his and their reſpective Offices; and to ſuch other Perſon or Perſons as ſhall be aſſiſting in and about procuring the ſaid Road to be amended, widened, or repaired, by advancing or laying out any Monies on the Account thereof, or otherwiſe relating thereto, 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 ſaid Surveyor or Surveyors of the ſaid Road to be appointed in purſuance of this Act, and ſuch other Perſon or Perſons as he or they ſhall appoint, to ſearch for, dig, gather,

Surveyors may dig Gravel, &c.

ther, take, and carry away, any Gravel, Furze, Bushes, Heath, Sand, Stones, or other Materials, proper for repairing the said Road, in and out of any Quarry, River, or Brook, or out of any Waste, Heath, or Common, of or in any Parish, Town, Village, Hamlet, or Place, in or near to which the said Road, or any Part thereof, doth lie, without paying any Thing for such Materials; such Surveyor or Surveyors causing to be levelled all such Holes and Pits, or otherwise to be safely and sufficiently fenced or railed about, where and from whence any such Materials shall be digged, gathered, or taken away, in such Manner that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages, if any, which shall be done by going over or through any Lands or Grounds for or with such Materials, to be ascertained as herein after is mentioned: And also that it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he and they shall appoint, (such Surveyor or Surveyors first having an Order from any Five or more of the Trustees for that Purpose) to search for, dig, gather, and take away, any such Materials in and out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to an House, or any Piece of Ground inclosed, planted, and set apart, as a Nursery of Trees, unless with the express Licence and Consent of the Owner or Owners thereof in Writing first had and obtained) paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, gathered, and carried away, or over which the same, or any other Materials for the Repair of the said Road, shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County where such Difference shall happen, shall and may adjudge, assess, and finally determine, the same.

without paying for the same;

levelling the Pits;

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from time to time, (such Surveyor or Surveyors having an Order from any Five or more of the

Surveyors may remove Annoyances in the Road, &c.

said Trustees for that Purpose) to remove and prevent all Annoyances upon or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, widen, or enlarge, any Watercourses or Ditches adjoining to the said Road, as he or they shall think proper and necessary; and also, if Occasion shall be, to make any new Drains in or adjoining to any Part of the said Road (so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees, unless with the express Licence and Consent of the Owner or Owners thereof in Writing) and to cut down, lop, and top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto (not growing in a Park or Garden) and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or remove such other Annoyances, for the Space of Twelve Days next after Notice in Writing for that Purpose, under the Hand or Hands of such Surveyor or Surveyors (the Charges whereof shall and may be settled by the said Trustees, or any Five or more of them) and such Charges shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers respectively neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and in case of Nonpayment thereof, shall and may be recovered and applied in such Manner as the other Forfeitures by this Act directed are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay unto the said Trustees, or to their Treasurer for the time being, the Sum of Forty Shillings, to be also recovered, levied, and applied, in the like Manner, as the other Forfeitures by this Act incurred, are directed to be levied and applied.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors.

Penalty on a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as

as he or they ſhall appoint, by Order of the ſaid Truſtees, and their Succeſſors, or any Five or more of them, from time to time, to make, or cauſe to be made, Cauſeways and Drains, in and upon any Part or Parts of the ſaid Road, and alſo to make or cut Ditches and Drains through any Lands or Grounds lying contiguous thereto, and to erect Arches or Bridges upon the ſaid Road, or any Part thereof, or upon any Grounds lying contiguous thereto; and alſo, if they, or any Five or more of them, ſhall ſee Occaſion, to make, or cauſe to be made, a temporary Road or Roads through the Lands or Grounds of any Perſon or Perſons lying contiguous or near to any narrow or ruinous Part of the ſaid Road (not being a Garden, Orchard, Paddock, planted Walk, or Avenue, or Nurſery for Trees, as aforeſaid) to be made uſe of by all Paſſengers, Cattle, Carriages, or otherwiſe, as a publick Highway, whilſt the old Road is repairing or widening, and till ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to paſs along the ſame, and no longer; making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds reſpectively, through which any ſuch Ditch or Drain ſhall be made, or on which ſuch Arch or Bridge ſhall be erected, or through which any ſuch temporary Road ſhall be made, for the Damages which 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 of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, that then it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the then next General Quarter Seſſions for the County where ſuch Difference ſhall happen, or at their Second Quarter Seſſions at the fartheſt, to ſettle, adjudge, and finally determine, what Recompence ſhall be made to ſuch Owners or Occupiers, for the Damages they ſhall have ſuſtained in all or any of the Reſpects aforeſaid.

and make a temporary Road;

making Satisfaction to the Owners.

Juſtices to determine Differences.

Provided always, and be it further enacted by the Authority aforeſaid, That where any Part or Parts of the ſaid Road, or where any Bridges, Brooks, Drains, and Sewers, lying in or upon, or near unto, or leading from or to the ſaid Road hereby intended to be repaired, have been accuſtomed or ought to be repaired, cleanſed, ſcoured, or maintained, by any particular

Perſons liable to repair Bridges, &c. to continue ſo.

ticular Perſon or Perſons, Body or Bodies Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by any of the Counties through which any Part of the ſaid Road doth lead; all and every ſuch Part and Parts of the ſaid Road, Bridges, Brooks, Drains, and Sewers, ſhall, from time to time, be maintained, cleanſed, ſcoured, and kept in Repair, by ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, or by ſuch County, in ſuch Manner as the ſame were reſpectively maintained, cleanſed, ſcoured, and kept in Repair, before the paſſing of this Act.

And whereas it may be proper not only to widen the ſaid Road, but in ſome Caſes to alter the Courſe of the ſame, by carrying the ſaid Road over and through Lands or Hereditaments contiguous or near to the ſame, in order to render the ſaid Road more proper and convenient for Travellers and Carriages, than the preſent Road; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Succeſſors, and they, or any Seven or more of them, are hereby authorized and impowered, in caſe they ſhall think proper, at any Time or Times during the Continuance of this preſent Act, to widen the ſaid Road, or any Part or Parts thereof; or, in caſe it ſhall be found neceſſary to turn or alter the Courſe of the ſaid Road, or any Part or Parts thereof, lying contiguous or near to the ſaid Road hereby directed to be amended or repaired, or any Part thereof, for the better Accommodation of Coaches, Carriages, and Travellers; and, for that Purpoſe, they the ſaid Truſtees and their Succeſſors, or any Seven or more of them, ſhall have full Power and Authority, from time to time, during the Continuance of this preſent Act, to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any Part of the ſaid Road ſo to be widened, turned, or altered, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage which ſuch Proprietors, Occupiers of, and Perſons ſo intereſted, or any of them, ſhall or may in any wiſe ſuſtain by ſuch widening, turning, or altering the ſaid Road, or any Part or Parts thereof; and out of the Tolls and Duties by this Act granted, or out of any Monies to be borrowed on the Credit

Truſtees may contract for the Purchaſe of Lands to be laid into the Roads.

Credit thereof, to pay for ſuch Lands, Grounds, and Hereditaments, and for ſuch Loſs and Damage ſuch Sum and Sums of Money as ſhall be agreed upon between the Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreements and Purchaſes reſpectively.

And whereas it may happen, that ſome Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, Feoffees in Truſt, or others, are, or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees or their Succeſſors be thought neceſſary or proper to be taken in, and added to, the ſaid Road, for turning, widening, altering, or amending the ſame, and may be incapable, by reaſon of Infancy or other Diſability, of granting or conveying ſuch Lands, Grounds, or Hereditaments, for the Purpoſes aforeſaid; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on Behalf of any Infants, Lunaticks, Femes-covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the ſaid Truſtees or their Succeſſors, or any Seven or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame, as Occaſion ſhall be or require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law, to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter and Thing whatſoever to the contrary thereof in any wiſe notwithſtanding; and all Feoffees in Truſt, Executors, or Adminiſtrators, Guardians, and Truſtees, Corporations Aggregate or Sole, and all other Perſons, ſo contracting or conveying, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

Bodies Politick, &c. impowered to treat.

And be it further enacted by the Authority aforeſaid, That if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Truſtees, or other

Perſons neglecting to treat for the Sale of Lands;

Perſon or Perſons intereſted in any Lands, Grounds, or Hereditaments, as aforeſaid, upon Notice to 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 Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo intended to be taken in, and added to, the ſaid Road, for the reſpective Purpoſes aforeſaid, or into which any Road is intended to be turned or altered ſhall, by the Space of Twenty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where ſuch Lands or Grounds ſhall lie (which Oaths any Two or more of the ſaid Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted as aforeſaid, for or upon account of the taking of ſuch Lands, Grounds, or Hereditaments, into the ſaid Road; 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 be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered and directed to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſſes, as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit: And after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to

Jury to aſſeſs Damages.

Witneſſes may be examined on Oath.

Verdict of the Jury to be final.

to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, Judgement, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, and Perſons under any other Diſabilities whatſoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Perſon or Perſons whomſoever: And all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame, notwithſtanding the ſame Lands, Grounds, or Hereditaments, ſhall or may be limited or ſettled to, for, or upon any Uſe, Truſt, or Limitation in Tail, Remainder, or otherwiſe howſoever, and notwithſtanding any Politick, Corporate, or other Intereſt therein.

Truſtees to iſſue Warrants to the Sheriff to impanel a Jury.

And, for ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, are hereby impowered to iſſue out a Warrant or Warrants to the Sheriff or Sheriffs of the ſaid reſpective Counties where ſuch Lands, Grounds, or Hereditaments, ſhall lie, thereby commanding and requiring him or them to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, or more, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the ſaid County, or that can ſpeedily

ſpeedily be procured to attend that Service, to make up the Number of Twelve as aforeſaid.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforeſaid, That 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 Premiſſes, 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 Premiſſes, and on any Perſon or Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe or neglect 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 touching the Premiſſes, ſhall refuſe or neglect to appear, or who ſhall refuſe to be examined and give Evidence; and, from time to time, to cauſe to be levied ſuch Fine or Fines in the ſame Manner as any other Fine, Penalty, or Forfeiture, is herein after directed to be levied, ſo as no ſuch Fine ſhall exceed the Sum of Five Pounds upon ſuch Sheriff, or Forty Shillings upon any other Perſon for any One Offence; and that all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls granted by this Act are hereby directed to be applied.

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

Fine on Sheriff not to exceed 5 *l.* and on other Perſons 40 *s.* for any One Offence.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained or aſſeſſed, as aforeſaid, ſhall be, and are hereby charged and chargeable upon the Monies which ſhall be raiſed, received, or borrowed, by virtue of this Act, and ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons, and after Twenty Days Notice thereof given to ſuch Perſons or their Agents to receive ſuch Money, Conſideration, Recompence, or Satisfaction; it ſhall and may be lawful for the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and

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and ſuch Grounds, Lands, and Hereditaments, to the ſaid Road, and to do all and every ſuch Acts, Matters, and Things, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforeſaid, ſuch Lands or Grounds, and Hereditaments, ſhall be laid into, or added to and make Part of the ſaid Road hereby directed to be repaired, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall order and direct, and ſhall be by them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe; and after ſuch ditching, fencing, and ſetting out, the ſaid Lands, Grounds, or Hereditaments, ſhall, to all Intents and Purpoſes whatſoever, become, and be deemed and taken to be a publick and common Highway, and be from thenceforth deemed to be Part of the ſaid Road by this Act directed to be repaired for ever after, and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects as the old Road lying near or adjoining to any ſuch new Road is or ought to be kept in Repair; and after ſuch new Road ſhall be compleated, the Lands or Grounds comprized in, or conſtituting the old or former Road, in lieu whereof the Lands, Grounds, or Hereditaments, for making ſuch new Road ſhall be purchaſed, as aforeſaid, ſhall be veſted in, and ſhall may be ſold by the ſame Truſtees, or their Succeſſors, or any Seven or more of them, to ſuch Perſon or Perſons as ſhall be willing to become Purchaſer or Purchaſers thereof, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale, ſhall be applied and diſpoſed of for the repairing and amending of the Road aforeſaid, of which ſuch new Road ſhall be then a Part, and the Sale or Conveyance or Conveyances to be made of ſuch Lands or Grounds, being executed by the ſame Truſtees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County wherein the ſaid Lands or Grounds ſhall lie, ſhall be good and effectual in Law, to all Intents whatſoever.

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

and deemed a publick Highway.

Old Road to be ſold.

Provided always, and be it further enacted by the Authority aforeſaid, That for the Purpoſes of widening, turning, or diverting, any Part or Parts of the ſaid Road, or making any ſuch new Road as aforeſaid, no-

Buildings, &c. not to be damaged.

thing herein contained ſhall impower the ſaid Truſtees to purchaſe any Houſe or Building, or any Yard, Garden, Orchard, Park, Paddock, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs with the Approbation and Conſent of the Owner or Owners thereof in Writing.

Truſtees not to act where intereſted.

Provided alſo, That no Perſon or Perſons ſhall act as a Truſtee or Truſtees in any Caſe relating to the contracting for, or purchaſing of, any Lands or Hereditaments, by virtue of this Act, where he or they ſhall be concerned in Intereſt.

And to the End that the Inhabitants of the ſeveral Pariſhes, Hamlets, and Places, through which the Road hereby directed to be repaired doth lead, (and who are now liable by Law to the whole Repair thereof) may duly do and perform ſome Part of their Statute-work on the ſaid Road; be it further enacted by the Authority aforeſaid, That the reſpective Surveyors of the Highways for the time being of all the Pariſhes or Diſtricts in which the ſaid Road intended to be repaired doth lie, ſhall yearly and every Year, within Ten Days after Demand made to him or them, in Writing, by the Turnpike Surveyor or Surveyors to be appointed by the ſaid Truſtees, or any Seven or more of them, give and deliver to the ſaid Turnpike Surveyor or Surveyors an exact Liſt or Account, in Writing, under his or their Hand or Hands, of the Chriſtian and Sirnames of all and every Perſon and Perſons in the ſaid reſpective Pariſhes or Diſtricts, who is and are by Law chargeable towards repairing the Highways in any of the ſaid Pariſhes or Diſtricts, and ſhall ſet forth and ſpecify in ſuch Liſt or Account what each Perſon is reſpectively chargeable with, for and towards ſuch Repairs; and the ſaid Pariſh Surveyor or Surveyors for the time being reſpectively, within Six Days after Notice ſhall be given to him or them by the Turnpike Surveyor or Surveyors of the Time when, and how many of the Perſons ſo chargeable as aforeſaid, he or they would have to do Two Days Work in or upon any Part or Parts of the ſaid Turnpike Road, ſhall ſummon or give publick Notice thereof to the Perſons ſo chargeable as aforeſaid reſpectively; and if any Pariſh Surveyor or Surveyors ſhall neglect or refuſe to do as he and they are hereby required and directed, he and they, for every ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Five Pounds: And if any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, Cart or Carts,

Surveyors to deliver in Liſts of Perſons liable to do Statute-work.

Penalty on Surveyors neglecting to deliver in ſuch Liſts,

and on Perſons not performing ſtatute-work.

Carts, Horſe or Horſes, and chargeable towards repairing the ſaid Road, and liable to do Statute-work or Labour thereon, ſhall, after ſuch Summons or publick Notice, neglect or refuſe to ſend their reſpective Teams, Draughts, Carts, or Carrying Horſe or Horſes, each Team or Cart not to contain leſs than Three good Horſes, or Beaſts of Draught, with One Perſon to attend the ſame, to do and perform ſuch their reſpective Statute-duty on the ſaid Road according to ſuch Summons or Notice, he, ſhe, or they, ſo neglecting or refuſing, ſhall reſpectively forfeit and pay the Sum of Ten Shillings for every Team, Draught, or Cart, and the Sum of Two Shillings for every Carrying Horſe making ſuch Default on each of the ſaid reſpective Days; and if any Labourer, or other Perſon or Perſons, ſo chargeable towards repairing the ſaid Road, ſhall at any Time neglect or refuſe, (after ſuch Summons or publick Notice) to do and perform the ſaid appointed Days Work or Works on the ſaid Road, he, ſhe, or they, ſhall reſpectively forfeit and pay the Sum of One Shilling for each of the Days on which ſuch Labourer, or other Perſon or Perſons, ſhall make ſuch Default; and if any Perſon or Perſons who ſhall (according to ſuch Summons or publick Notice as aforeſaid) come to work as a Labourer or Labourers, or be ſent with any Team, Draught, Cart, or Carrying Horſe, to work in the ſaid Road, is or are found idle or negligent by the Turnpike Surveyor or Surveyors reſpectively where the Work is to be done, in ſuch Caſe the ſaid Turnpike Surveyor or Surveyors is and are hereby impowered and required to remove and turn him or them off who ſhall be ſo found idle or negligent as aforeſaid, and it ſhall be conſidered and taken as if ſuch Perſon or Perſons had not come or ſent any Team, Draught, Cart, or Carrying Horſe, to work on the ſaid Road; every ſuch Perſon ſhall be ſubject or liable to the reſpective Forfeitures and Payments before mentioned, as if ſuch Perſon or Perſons had neglected or refuſed ſo to do and to perform the ſaid reſpective Days Work ſo ordered as aforeſaid: And all ſuch Inhabitants of the Towns, Pariſhes, Hamlets, and Places aforeſaid, as hold, occupy, or rent, a Farm or Tenement of Fifty Pounds a Year, although not having an actual Team, ſhall, for the Purpoſes of this Act, be conſidered as Team-holders.

Perſons found idle to be turned off.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, Truſtees may compound for Statute-work.

Truſtees, or any Five or more of them, and they are hereby impowered to compound or agree by the Year, or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are, or ſhall be liable to, or chargeable with, the Repair of any Part of the Road, or with any Perſon or Perſons for the Performance of his, her, or their Statute-work therein; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways, Paſſages, or Places, through which the ſaid Road hereby directed to be repaired doth lead, by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips, or Pariſhes, or Places, 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 Five or more of them, for or in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Road; all which Compoſition-monies ſhall be, from time to time, paid in advance, and ſhall be applied in the Repair of the ſaid Road; and all ſuch Surveyors, Churchwardens, or Overſeers of the Poor, ſhall be reimburſed the Monies ſo by them paid in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees and their Succeſſors, and they, or any Seven or more of them, are hereby authorized, from time to time, as they ſhall ſee convenient or think fit, at any publick Meeting or Meetings, to contract or agree with any Perſon or Perſons by the Year, or otherwiſe, as they the ſaid Truſtees, or any Seven or more of them, ſhall think moſt beneficial and conducive for the ſpeedy or effectual Repair of the ſaid Road, for ſuch Perſon or Perſons undertaking by the Year, or otherwiſe, the Repair of the ſaid Road, or of any particular Part or Parts thereof, at and for a certain fixed Sum, to be paid yearly, or by quarterly Payments; and that out of the Monies which ſhall be collected or received from or out of the ſaid Tolls, or the Monies which ſhall be borrowed on the Credit thereof, which Sum or Sums ſo agreed to be paid to ſuch Perſon or Perſons ſo contracting for the Repair of the ſaid Road, or any Part thereof, ſhall be paid yearly or quarterly, according to the

Truſtees may contract for repairing the Road.

Terms

Terms and Conditions of ſuch Agreements reſpectively, by the ſaid Truſtees, or their Treaſurer or Clerk for the time being; which Sums ſo paid ſhall be allowed to ſuch Treaſurer or Clerk ſo paying the ſame, by the ſaid Truſtees, in their reſpective Accounts with ſuch Treaſurers or Clerks reſpectively.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful alſo for the ſaid Truſtees and their Succeſſors, or any Five or more of them, and they, or any Five or more of them, are hereby authorized and impowered, in caſe they ſhall ſee convenient and think fit, to compound by the Year, or otherwiſe, with any Perſon or Perſons uſing to travel through all or any the Turnpike or Turnpikes to be erected on the ſaid Road, with any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Waggon, or other Carriage, Horſe, Gelding, Mare, or other Beaſt of Burthen, for any Sum or Sums of Money, to be paid by quarterly Payments, from time to time, after ſuch Agreement ſhall be made; which Compoſition-monies ſhall be paid quarterly, in Advance; and Copies of all ſuch Compoſitions and Agreements ſo to be made by the Truſtees as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers; which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons whomſoever, at all ſeaſonable Times, without Fee or Reward.

Compoſitions to be entered in a Book.

Compoſition-money how to be recovered.

And be it further enacted by the Authority aforeſaid, That in caſe any Compoſition-money agreed to be paid by any Perſon or Perſons as aforeſaid, in lieu of any Statute-duty or Days Work, either of private Perſons, or the Inhabitants at large, of any Pariſh, Townſhip, Field, or Hamlet, wherein the Road to be amended by virtue of this Act doth lie, ſhall not be paid within Twenty Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement reſpectively; that then, upon Demand having been made thereof, and on ſuch Perſon's Neglect or Refuſal to pay the ſame, it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace of and for the ſaid Counties of Worceſter or Warwick, within their reſpective Juriſdictions, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Perſons authorized by the ſaid Truſtees for the time being, or any Five or more of them, to receive ſuch Compoſition-money (Oath having been firſt made that the ſame has

been duly demanded, and remains unpaid; which Oath ſuch Juſtice or Juſtices is and are hereby authorized to adminiſter) to levy the ſame by Diſtreſs and Sale of the Goods of the Perſon or Perſons who ſhall ſo have agreed to compound, for or in reſpect of the ſaid Statute-duty or Days Work, or of the Surveyors of the Highway for the time being of ſuch Parith, Townſhip, or Hamlet, in reſpect of whoſe Statute-duty or Days Works ſuch Compoſition ſhall be made, returning the Overplus, after the Charges of ſuch Diſtreſs and Sale firſt thereout deducted, unto the Perſon or Perſons ſo diſtrained upon, on Demand.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and direct; and if any Perſon or Perſons ſhall wilfully pull down or damage any Stones or Poſts ſo to be erected as aforeſaid, or any Part thereof, or ſhall obliterate or deface any of the Figures or Marks which ſhall be inſcribed thereon, every Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence.

Penalty on defacing Mile-ſtones, &c.

Penalty on obſtructing Officers in their Duty.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall aſſault any Gatekeeper or Collector of the Tolls by this Act granted, in the Execution of his, her, or their Office or Offices, or ſhall forcibly paſs through any Gate or Turnpike, or other Fence which ſhall be ſet up by virtue of this Act, without paying the Toll appointed to be paid at ſuch Gate, Turnpike, or Fence, and ſhall be thereof convicted before One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence ſhall have been committed, or on the Oath of One or more Witneſs or Witneſſes (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) the Party ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, during the Continuance of this Act, ſhall hale and draw, or cauſe to be haled or drawn, upon, in, or along, any Part of the ſaid Road hereby intended to be repaired, any Tree or Trees, or Piece or Pieces of Timber, otherwiſe than upon Wheel Carriages, every ſuch Perſon or Perſons, for

for every ſuch Offence, ſhall forfeit and pay the Sum of Forty Shillings.

And be it further enacted by the Authority aforeſaid, That all the Fines, Penalties, and Forfeitures, by this Act impoſed (touching which no other Proviſion is in this Act made) ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hands and Seals of One or more of his Majeſty's Juſtices of the Peace for the ſaid Counties of Worceſter or Warwick, where the Offence ſhall be committed, which Warrant or Warrants, the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue upon the Information of One or more credible Witneſs or Witneſſes, upon Oath as aforeſaid, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward) and One Moiety of the Fines, Penalties, or Forfeitures, ſo recovered, after rendering the Overplus (if any be) to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained, being firſt deducted, ſhall go and be applied and laid out (if not otherwiſe applied and diſpoſed of by this Act) for and towards amending the Road wherein the ſaid Penalties or Forfeitures ſhall be incurred; and the other Moiety thereof ſhall be paid to the Informer or Informers. Penalties and Forfeitures how to be recovered.

Provided always, and be it enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Clerk to the ſaid Truſtees, at any Meeting of Five or more of the ſaid Truſtees aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be the original Orders, as if the ſame were under the Hands and Seals of Five or more of the ſaid Truſtees for the time being; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for regiſtering the ſaid Aſſignments and Transfers, ſhall and may be produced and read in Evidence in all Caſes of Appeal, Suits or Actions, touching any thing done in purſuance and by Authority of this Act; and which ſaid Book or Books ſhall and may be peruſed and inſpected at all ſeaſonable Times, by any Perſon or Perſons requiring the ſame, without Fee or Reward. Proceedings to be entered in Books. Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, Perſons aggrieved may appeal to the Quarter Seſſions.

ſons, ſhall think him, her, or themſelves, aggrieved by any thing done in purſuance of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of the Peace, at their General Quarter Seſſions of the Peace to be held for the ſaid Counties of Worceſter or Warwick reſpectively, within their reſpective Juriſdictions, next and immediately after ſuch Perſon or Perſons are aggrieved (unleſs ſuch Grievance ſhall happen within Fourteen Days preceding ſuch next Quarter Seſſions, in which Caſe ſuch Appeal ſhall be brought at the Quarter Seſſions then next after) who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved; and if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining; or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable; and to levy by their Order or Warrant, ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattles of any Perſon or Perſons who ſhall refuſe to obey the ſame; and for want of ſufficient Goods whereon to levy the ſame, to commit the Perſon or Perſons ſo refuſing, to the Common Gaol of the County of Warwick or Worceſter, where the Appeal ſhall be heard and determined, for any Time not exceeding Three Months, or until ſooner Payment of ſuch Coſts: But the Perſon or Perſons ſo appealing, ſhall, and he, ſhe, or they, is and are hereby directed to give Notice in Writing, to the Treaſurer or Treaſurers for the time being of the Tolls and Duties granted by this Act, of ſuch his, her, or their, Intention of bringing or preſenting any Appeal, Fourteen Days before the ſaid Quarter Seſſions, and ſhall, before ſuch Notice given, enter into a Recognizance before One or more Juſtice or Juſtices of the Peace of the County where the Appeal ſhall be brought, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the Quarter Seſſions of the Peace, which ſhall be held for the ſaid County next and immediately after bringing ſuch Appeal; and every ſuch Appeal ſhall, at the then next General Quarter Seſſions, be there heard and finally determined.

Notice of Appeal to be given

Recognizance to be entered into.

Provided always, and be it enacted by the Authority aforeſaid, That no Order made touching or concerning any

any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any thing herein contained to the contrary notwithſtanding. Proceedings not to be quaſh'd for want of Form; nor removeable by *Certiorari*.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe known by the Name or Sign of the Catherlough Arms, in Ullenhale Street aforeſaid, on the Monday Fortnight next after the paſſing this Act, between the Hours of Eleven and Twelve in the Forenoon; and that on the Day following, the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe called or known by the Name or Sign of the Bell, or Bell Inn, at Northfield aforeſaid, between the Hours of Eleven and Twelve of the Forenoon of that Day; at which ſaid laſt Meeting the ſaid Truſtees there aſſembled ſhall again adjourn themſelves unto and again meet at the ſaid Houſe, called or known by the Name or Sign of the Catherlough Arms on the firſt Monday in the then enſuing Month, between the Hours of Eleven and Twelve of the Forenoon of the ſame Day; from which Place they ſhall again adjourn themſelves to meet on the firſt Monday of the Month then next following, at the ſaid Houſe called the Bell, or Bell Inn, at Northfield; after which the future Adjournments of the ſaid Truſtees ſhall be, from time to time, made ſo as to meet alternately on the firſt Monday of each ſucceſſive Month at the ſaid reſpective Houſes, or ſome other convenient Houſe or Place near thereunto, as the ſaid Commiſſioners or Truſtees for the time being, or the major Part of them, aſſembled at ſuch reſpective Meeting, ſhall think fit and direct, but ſo as that the ſaid Meetings may be alternately held at the ſaid reſpective Places; that is to ſay, ſuch Meeting to be held One Month at the ſaid Houſe called the Catherlough Arms in Ullenhale Street aforeſaid, or ſuch other Houſe or Place near thereunto as the major Part of the Truſtees, from time to time there aſſembled, ſhall think moſt convenient, and direct or appoint; and in the ſucceeding Month at the ſaid Houſe called the Bell at Northfield, or ſuch other Houſe or Place near thereunto, as the major Part of the Truſtees for the time being there aſſembled, ſhall think moſt convenient, and direct Time and Place of Truſtee Meetings.

Truſtees to defray their own Expences.

or appoint: And that the ſaid Truſtees, at their firſt and all their ſubſequent Meetings, ſhall defray their own Charges and Expences.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, ſhall and may, and they are hereby impowered, by Writing under their Hands and Seals, without any Stamp thereon, to ſet, demiſe, let, or farm out, the Tolls by this Act granted, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term for which this Act is to have Continuance, not exceeding Three Years, upon Twenty Days Notice in Writing, to be fixed on all the Turnpike-gates to be erected in purſuance of this Act, to the higheſt Bidder, upon a publick Bidding, and for the beſt Price which ſuch Truſtees can get for ſuch Tolls, or any Part thereof, payable at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit, and to be paid to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to receive the ſame; and which Toll Rent ſhall always be paid One Month in Advance.

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

And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for any of the ſaid Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace for the Counties of Worceſter and Warwick, or either of them, to act as a Juſtice or Juſtices of the Peace in all Caſes, Matters, and Things, which may be neceſſary for the more ſpeedy and effectual putting in Execution the ſeveral Authorities and Powers in this Act mentioned and contained.

And, for the continuing from time to time a ſufficient Number of Truſtees effectually to put this Act into Execution, be it further enacted by the Authority aforeſaid, That when and ſo often as any One or more of the Truſtees herein before named, or any of the Truſtees hereafter to be nominated and appointed by virtue and in purſuance of this Act reſpectively, ſhall die, remove, or refuſe to act, it ſhall and may be lawful for ſuch of the ſaid Truſtees for the time being as ſhall ſurvive and remain, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby

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

hereby granted, to elect, nominate, and appoint, One or more fit Perſon or Perſons, reſiding or having Eſtates in the ſaid Counties of Warwick or Worceſter, and qualified in the Manner by this Act directed, to be a Truſtee or Truſtees in the Room and Place of ſuch Truſtee or Truſtees ſo dying, removed, or refuſing to act; and ſuch Perſon or Perſons ſo elected, nominated, and appointed, ſhall be joined with ſuch ſurviving or 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 ſaid Truſtees for the time being, who is and are hereby required to fix, or cauſe to be fixed, ſuch Notice in Writing at or upon all the Turnpike-gates which ſhall be erected by virtue of this Act, at leaſt Ten Days before the Time of Meeting for ſuch Election; and all and every ſuch Perſon and Perſons, as ſhall be ſo choſen and appointed to be joined with ſuch ſurviving Truſtee or Truſtees, ſhall and may, and they are hereby authoriſed and impowered to act in the Execution of the ſeveral Truſts and Powers by this Act created, to all Intents and Purpoſes, in as full, large, and ample Manner, as the ſaid Truſtees nominated in and by this Act are hereby authoriſed and impowered to act and do.

Notice to be given of ſuch Election.

And be it further enacted by the Authority aforeſaid, That if it ſhall happen that there ſhall not appear at any of the Meetings of the Truſtees, by this Act directed and appointed to be held, a ſufficient Number of Truſtees to act, and to adjourn to another Day, the Clerk or Clerks to the Truſtees for the time being ſhall, by publick Notice in Writing to be affixed upon all the ſaid Turnpikes erected by virtue of this Act, at leaſt Twenty Days before the next Meeting, appoint the ſaid Truſtees to meet on the Firſt Monday of the Month then next enſuing, at the Houſe or Place where, according to the Directions of this Act, and the Rotation before mentioned, ſuch Meeting ought to be appointed to be held, or to which the then laſt Meeting ſhould and would, according to the Directions of this Act, have been adjourned, if a ſufficient Number of Truſtees had met, and made ſuch Adjournment.

Clerks may adjourn Meetings in certain Caſes.

Provided always, That in caſe ſuch Clerk or Clerks ſhall refuſe or neglect to give ſuch Notice, for the Space of Seven Days next after any ſuch Meeting at which there ſhall not be a ſufficient Number of Truſtees to act

In caſe the Clerk neglects, Truſtees may do it.

or

or make an Adjournment; that then it ſhall and may be lawful for any Two or more of the ſaid Truſtees appointed to put this Act in Execution, at any Time or Times before ſuch next Meeting, to appoint ſuch Meeting of the ſaid Truſtees, to be held on the Firſt Monday in the Month next enſuing, at the ſaid Houſe, to which the ſaid Meeting would, according to the Directions and Rotation aforeſaid, have been adjourned, if a Number of Commiſſioners had been preſent to make ſuch Adjournment; which ſaid Appointment ſhall be in Writing, and ſhall be affixed on the ſaid Turnpikes or Toll-gates aforeſaid, at leaſt Ten Days before ſuch Meeting, and the ſame ſhall be deemed and taken to be ſufficient Notice of any ſuch Meeting.

Truſtees not to act but at a publick Meeting.

And be it further enacted by the Authority aforeſaid, That no Act or Order of the ſaid Truſtees, except for the Appointment of a Meeting as aforeſaid, ſhall be valid, unleſs done or made at ſome publick Meeting.

Qualification of Truſtees.

Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, (or be Heir Apparent of a Perſon having an Eſtate of the yearly Value of Eighty Pounds) or unleſs the Perſon ſo acting (not being ſuch Heir Apparent as aforeſaid) ſhall be poſſeſſed of a Perſonal Eſtate to the amount of Eight hundred Pounds; and if any Perſon or Perſons, hereby made incapable to act for the Cauſes aforeſaid, ſhall nevertheleſs preſume to act in any of the Truſts aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered by Action of Law, to be brought in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo ſued or proſecuted, ſhall, upon the Trial thereof, prove that he is qualified as aforeſaid, or otherwiſe a Verdict ſhall be found againſt him for the Sum of Fifty Pounds, with full Coſts, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

And

And be it further enacted by the Authority aforeſaid, That no Order made by the ſaid Truſtees, or their Succeſſors, or any Five or more of them, in or concerning the Execution of any of the Truſts, Powers, or Authorities, of this Act, ſhall be revoked, repealed, or ſet aſide, by any ſubſequent Order of the ſaid Truſtees, unleſs Nine or more of the ſaid Truſtees ſhall be then preſent. No Order to be repealed unleſs 9 Truſtees be preſent.

Provided always, and be it further enacted by the Authority aforeſaid, That no Truſtee, having any Place of Profit ariſing out of, or by reaſon of the Tolls hereby granted, ſhall be capable of acting as a Truſtee during his Enjoyment of any ſuch Place of Profit. No Truſtee to accept a Place of Profit ariſing from the Tolls.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell any Ale, Wine, or Spirituous Liquors, by Retail. No Victuallet, &c. to hold any Place of Profit.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any any Truſtee or Truſtees, for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby veſted in ſuch Truſtees or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp Duty whatſoever. Writings to be without Stamps.

And be it further enacted by the Authority aforeſaid, That this Act, and all the Tolls, Duties, and Powers, hereby granted, ſhall take Place, and have Continuance from and after 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. Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in ſuch of the ſaid Counties of Worceſter or Warwick, where the Offence ſhall be committed, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit, ſhall and may plead the General Iſſue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, Limitation of Actions.

and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, Place or Places, that then, the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may have and recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any 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 be judicially taken Notice of as ſuch by all Judges, Juſtices, and all other Perſons whatſoever, without ſpecially pleading the ſame.

FINIS,