Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Spernal Aſh*, in the County of *Warwick*, through *Studley*, to a Street called *Digbeth*, in the Town of *Birmingham*.



WHEREAS the Road leading from Spernal Aſh, in the Pariſh of Spernal, and County of Warwick, through Studley, over Mapleborrow Green, up Gorcot Hill, along the Portway, to Inkford Brook; from thence, over Withwood Heath, by Drake's Croſs, over Holywood Common and Kingſwood; and through Alceſter Lane, over King's Heath, along Stoney Lane, Moſeley Lane, and over Ball's Hall Heath, to a Street called Digbeth, in the Town of Birmingham, extending through Part of the ſaid County of Warwick, and Part of the County of Worceſter, is in ſeveral Places narrow, incommodious, and dangerous to Travellers, and cannot be effectually repaired and widened by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, Preamble.

4

Truſtees Names.

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 Lyttleton, 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, Sir Henry Gough, Baronets; John Mordaunt, John Ruſhout, Thomas Skipwith, John Parker, Eſquires; Henry Archer, Henry Andrew Archer, Eſquires; John Aſh Doctor in Phyſick, Edward Audley, Thomas Abney, Richard Anderton, George Anderton, William Bromley Eſquire, the Reverend Thomas Beſt Clerk, Robert Burton, Dionyſius Bradley, Paul Baine, Henry Crabb Boulton, George Birch, Eſquires; Francis Brittain, John Brookholding, Thomas Brigham Eſquire, Samuel Birch, Samuel Bradburne, Randal Bradburne, Samuel Brandis, Matthew Boulton, Matthias Barker, William Bentley, Thomas Bingham, John Baſkerville, Thomas Barker, James Bayley, Henry Bradford, William Bradford, Benjamin Bradnock, Edward Burton, William John Banner, John Bellairs, Stephen Bedford, John Bedford, James Baker, Samuel Clarke, Jervoiſe Clarke, Thomas Cookes, Thomas Chambers, Thomas Chambers junior, Henry Carver, Henry Carver junior, Charles Colmore, Eſquires; the Reverend Daniel Collins, the Reverend Cox, the Reverend Chambers, Clerks; Thomas Chambers, Abraham Crane, Joſeph Crane, Thomas Clarſon ſenior, Thomas Clarſon junior, Robert Clarſon, John Cope, Peter Capper, John Camden, Joſeph Carles, Robert Cole, Francis Coles, Thomas Colemore, Joſeph Cotterell, John Collins, Thomas Cheſton, Stephen Comer, the Reverend Richard Dovey, Joſeph Deakin, John Dolben, John Dolben junior, Thomas Dolben, Clerks; Henry Dowler, John Dewes, Court Dewes, Bernard Dewes, Eſquires; William Dyde, Joſeph Duncomb, George Dalloway, James Dalloway, Robert Dalloway, John Daws, James Dowler, William Eaves, William Evitts, John Evans, Avery Edwards, Ferrers Eſquire,

Eſquire, John Fitter, Thomas Fitter, George Fulwood, Forteſcue of Cookhill, Eſquires; John Fullilove, Thomas Faulconbridge, Edward Ferriday, James Farmer, Samuel Freeth, John Ford, Ambroſe Foxall, Samuel Ford, the Reverend Daniel Gaches Clerk, Edward Gibbs, Samuel Garbett, Henry Gough, Eſquires; William Gueſt, Benjamin Gueſt, Richard Goſling, Richard Golding, John Gimlet, Francis Garbett, Samuel Galton, Francis Goodall, John Gold, Henry Geaſt, John Green, Joſhua Glover, Thomas Gem, Thomas Giſborn, Henry Gough; the Reverend Hawkes, Peter Holford, John Scott Hylton, Eſquires; William Hollyoak, William Hurtle, William Hunt, Thomas Hollyoak, Gentlemen; Samuel Hanſon junior, Henry Henn, John Humphrys, Abel Humphrys, Edmund Hector, Samuel Harvey, John Harris, John Clay Hallen, Francis Hurdd, Samuel Heeley, Joſeph Heeley, William Heath, Richard Hicks, George Hollaway, Thomas Highway, Francis Highway, Thomas Hadley, John Hawkes, James Horton, William Hurſt, Gregory Hicks, Edward Horton, William Holden, William Hawkes, Michael Hutchinſon, John Horne, David Hallen, Robert Hunt, Thomas Hunt, Handy, John Holbech, the Reverend Hamilton, the Reverend Francis Jackſon, Clerks; Triſtram Hudleſton Jervoiſe Eſquire, Samuel Jarvis, Richard Inſull, George Johnſon, Gentlemen; James Jackſon, John Iddins, John Ireland, John Knottesford Eſquire, William Henry Lyttleton, Humphry Lyttleton, Philip Lyttleton, John Lyttleton, Thomas Lloyd, David Lewis, Eſquires; William Loggin, Edward Loggin, Clerks; Captain Robert Lyttleton, George Lucy, Sampſon Lloyd ſenior, Sampſon Lloyd junior, John Lane, John Lane of Colemore Row, Thomas Lane, Thomas Lawrence, Michael Lakin, John Lowe, John Lee, Thomas Lee, Thomas Lutwyche, the Reverend Samuel Male, Thomas Mortibeys Eſquire, Thomas Marſton, Thomas Maſon, Eſquires; Robert Moore, Robert Moore junior, Benjamin Manſell, James Male, George Middleton, William May, John Moody, Thomas Minors, Anthony Manwaring, the Reverend Stephen Naſon Clerk, Thomas Nott, William Hateley Noble, John Oſeland, John Parthericke Eſquire, Benjamin Palmer, Girton Peake, Eſquires; 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, Perrot Eſquire of Bell Hall, Thomas Pemberton, Edward Pennell, Francis Parrott, Edmund Waſe Patterſon, Richard Pardoe,

Porter, Edward Parmer, Henry Perkins, Wilſon Ayleſbury Roberts Eſquire, John Roebuck Doctor in Phyſick, John Ruſton Gentleman, William Roe, Joſeph Roe, Joſeph Ryal, John Ruſſel, Thomas Ruſſel, William Ruſſel, Richard Rabone, Thomas Rock, Samuel Richards, John Richards, Thomas Richards, Joſiah Rogers, John Ryland, John Rogers, Edward Ruſton, Samuel Rea, Daniel Ruſton, William Round, Richard Reeve, Matthew Reeve, 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, Ferdinando Smith, Abraham Spooner, Iſaac Spooner, Ralph Sheldon, Eſquires; William Small Doctor in Phyſick, Joſeph Sheward, Thomas Sheward, James Sargent, Lucas Spilſbury, Joſeph Smith, Charles Stewart, Samuel Steward, Thomas Salt, William Swain, Joſeph Spooner, Edward Sawyer, William Stratford, Joſeph Turnpenny Eſquire, Robert Throckmorton, John Courtenay Throckmorton, John Taylor, John Taylor junior, Eſquires; Nathaniel Taylor, Taylor, William Taylor, Price Thomas, John Turner, John Turner junior, William Turner, Joſeph Thomas, Edward Thomaſon, James Tayler, William Tovey, the Reverend Mr. Archdeacon Vyſe, Thomas Vernon, John Vernon, John Venner, Eſquires; Henry Venour, Roger Vaughton, John Wright Eſquire, James Weſt, James Weſt junior, Eſquires; 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 Wilks, John Wyrley Eſquire, Henry Wakeman Eſquire, William Wakeman, Edmund Wakeman, John Walter, Richard Walter, Samuel Walford, John Walford, Joſeph Walker, Joſeph Webſter, Thomas Weſtley, Whateley, Whatley junior, Nathaniel Whitehead, John Walford of Deritend, William Welch, Joſeph Wilkinſon, William Welch, Charles Welch, Elias Wallin, William Ward, Daniel Winwood, John Ward, William Walſingham, Edward Wilks, and Goodwin Zouch, ſhall be, and they and their Succeſſors, to be elected in Manner herein aftermentioned, are hereby appointed Truſtees for the ſurveying, ordering, amending, widening, and keeping in Repair, the ſaid Road, and alſo for putting in Execution all other Powers by this Act granted; and the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time during the Continuance of this Act,

Truſtees may erect Turnpikes and Toll-houſes.

cause to be erected upon and across the said Road, or on the Sides thereof, across any Street or Lane leading out of the same, One or more Turnpike or Turnpikes, and One or more Toll-house or Toll-houses.

Provided always, That no Turnpike or Gate shall be erected upon that Part of the said Road called the Portway, between Inkford Brook and the Lane leading towards Ullenhall Street, or in or nearer to the Town of Birmingham than a new Street called Alcester Street, at a Place where the same communicates with another new Street near the said Town called Bradford Street. Proviso.

And it is hereby further enacted and declared by the Authority aforesaid, That One of the said Gates or Turnpikes to be erected in pursuance of this Act, shall, from and immediately after the passing of the same, be erected, and at all Times after, during the Term for which this Act is to have Continuance, be kept up and supported as a Toll-gate across the said new Street called Alcester Street, at its Junction with Bradford Street aforesaid. A Gate to be erected cross *Alcester* Street.

And be it enacted by the Authority aforesaid, That the respective Tolls following shall be paid before any Horse, or other Cattle, or Beast, or any Carriage whatsoever, shall be permitted to pass through any 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 drawn by One Horse, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Wain, or other Carriage (except Carts) One Shilling.

For every Cart Eight Pence.

And 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 or as a Toll or Tolls, and

and ſhall be paid to ſuch Perſon and Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame, and ſhall be applied for the Purpoſes and in Manner herein after-mentioned; and if any Perſon or Perſons, who ought to pay any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame; it ſhall be lawful for any ſuch Perſon or Perſons appointed to collect the ſaid Tolls to ſeize and diſtrain any Horſe or Horſes, or other Cattle or Beaſt upon which ſuch Tolls are by this Act impoſed, or any Carriage drawn by ſuch Horſe or Horſes, or other Cattle or Beaſt, or the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing to pay ſuch Tolls, and to detain and keep ſuch Cattle, Beaſt, Carriages, or Goods, ſo diſtrained: And if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Five Days after ſuch Seizure and Diſtreſs made; the Perſon or Perſons ſo diſtraining ſhall and may ſell the Cattle, Beaſts, Carriages, or Goods, ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch diſtraining, keeping, and ſelling, ſhall be deducted.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 5 Days.

And be it further enacted by the Authority aforeſaid, That from and after the Paſſing of this Act all and every Fence and Fences, Stops, Gates, Turnpikes, and Toll-houſes, to be erected and provided by virtue and in purſuance of this Act, and all the Materials for building or repairing the ſame, or for repairing the ſaid Road, and alſo all the ſaid Tolls, and all and every Sum and Sums of Money to be borrowed, raiſed, collected, or levied, by the Authority or in purſuance of this Act, ſhall be, and the ſame are hereby, veſted in the ſaid Truſtees; and they, or any Five or more of them, ſhall and may, and are hereby impowered, from time to time, either in their own Names, or the Names of any Five or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers for the time being, to commence and proſecute an Action or Indictment againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any ſuch Materials, or who ſhall throw down, ſpoil, damage, or deſtroy, the ſaid Fences, Stops, Gates, Turnpikes, or Toll-houſes, or againſt any Perſon or Perſons who ſhall keep Poſſeſſion of any of the Gates, Turnpikes, or Toll-houſes, after Notice given by the ſaid Truſtees, or their Succeſſors, 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 who ſhall any Way diſturb

Property of Turnpikes, &c. veſted in the Truſtees.

diſturb the ſaid Truſtees, or any Perſon or Perſons by them employed, in the Poſſeſſion thereof, or in getting or uſing of the ſaid Materials, or any Part thereof.

Application of the Money.

And be it further enacted by the Authority aforeſaid, That out of the firſt Money which ſhall ariſe by or on account of the Tolls impoſed by virtue of this Act, or out of the firſt Money which ſhall be borrowed on the Credit of ſuch Tolls, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Expences incurred in and about the procuring and paſſing of this Act, and all Charges conſequent thereon and incident thereto; and, in the next Place, ſhall pay and diſcharge the Expences of erecting ſuch Turnpikes and Toll-houſes as they ſhall think proper to erect; and that from and after all ſuch Charges and Expences ſhall be fully paid and ſatisfied, then, and from thenceforth, all the Money ariſing by the Tolls and Duties, which ſhall be collected at any Turnpike or Turnpikes which ſhall be 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 of the ſaid Road, and in defraying all 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.

Tolls to be paid but Once a Day.

Provided alſo, and it is hereby enacted and declared by the Authority aforeſaid, That no Perſon ſhall be ſubject to pay the Toll or Tolls impoſed by virtue of this Act more than Once in any One Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the ſucceeding Night) for paſſing or repaſſing the ſame Day, any Number of Times with the ſame Horſes, Cattle, Beaſts, or Carriages, through all or any of the Turnpikes to be erected on ſuch Part of the ſaid Road, or on the Sides thereof, acroſs any Lane or Way leading into the ſame, as lies between Spernal Aſh and the Portway aforeſaid; and that no Perſon or Perſons ſhall be liable to pay Toll more than Once in any One Day, to be computed as aforeſaid, for paſſing or repaſſing the ſame Day any Number of Times with the ſame Horſes, Cattle, Beaſts, or Carriages, through all or any of the Turnpikes to be erected on ſuch Part of the ſaid Road, or on the Sides thereof acroſs any Lane or Way leading into the ſame, as lies between the Portway aforeſaid, and a Street called Digbeth, in the Town of Birmingham aforeſaid; but that all and every Perſon and Perſons, who ſhall have

paid Toll for paſſing any One of the Turnpikes to be erected on either of the ſaid reſpective Parts of the ſaid Road, ſhall be permitted to paſs and repaſs through the ſame Turnpike, or through all and every other Turnpikes on ſuch Parts of the ſaid Road whereon or in relation to which Tolls ſhall have been paid; ſuch Perſon producing a Ticket denoting the Payment of ſuch Toll, which Ticket the Collector or Receiver of the Tolls is hereby required to give gratis, to the Perſons paying ſuch Toll.

Truſtees may divide the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That if there ſhall be Three 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 they the ſaid Truſtees, 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, or any Five or more of them, ſhall be ordered and appointed for that Purpoſe, and not otherwiſe.

Exemptions from Tolls.

Provided always, and it is hereby enacted and declared, That no Toll ſhall be taken for any Horſe, Cattle, or other Beaſt, drawing or not drawing, employed only in the Conveyance of any Soil or Compoſt of any Kind for manuring of any Arable, Meadow, or Paſture Land, in the ſeveral Pariſhes or Places through which the ſaid Road doth lead, or in any Pariſhes adjoining thereto, or in the Conveyance or Carriage of any Stones or other Materials for repairing the ſaid Road, or any other Road or Highway, in any of the ſaid Pariſhes or Places, or in the adjacent Pariſhes; or in the Carriage or Conveyance of any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Out-houſes, or Grounds, of the Owner or Owners thereof; nor ſhall any Toll be taken at any Time for any Horſe, or other Cattle or Beaſt, drawing or conveying any Plough, Harrow, or Implement of Husbandry, to be uſed in any of the ſaid Pariſhes or Places; or for any Horſe, or other Cattle or Beaſt, going to or from Water or Paſture within the ſaid Pariſhes or Places; or for the Horſes of any Officers or Soldiers on their March, or for any Horſe, or other Cattle or Beaſt, employed in the Conveyance or Carriage of their Arms or Baggage; or in the Paſſing of

Vagrants sent with lawful Passes; or for any Post-horse carrying the Mail; or for any Horse, or other Cattle, drawing or not drawing, employed in conveying or carrying any Person or Persons going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Worcester and Warwick, or either of them, on the Days of Election, or on the Day before, or Day after, any such Election shall begin or be concluded; or for any Horse, or other Cattle or Beast, drawing or not drawing, employed in the Conveyance or Carriage of any Person or Persons residing in any of the Parishes through which the said Road doth lead, to and from Church, Chapel, or other Place of Religious Worship, on Sundays; or in the conveying the Corpse of any Person to be interred in any of the said Parishes, or carrying or conveying any Person or Persons attending, or immediately returning from, such Funeral; or for any Clergyman who shall be going to, or returning from, visiting the Sick, or baptizing Children, in any of the said Parishes.

Penalty on making illegal Claims, &c.

Provided always, That in case any Person shall claim and take the Benefit of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may reduce the Tolls,

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

and raise the same again.

And

Penalty on permitting, or going through private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Lands or Places near to any of the said Turnpikes, shall permit any Person or Persons to pass through the same, or any Part thereof, not being a publick Highway, with any Horse, or other Cattle, Beast, or Carriage whatsoever, whereby the Payment of any of the Tolls, or any Part thereof, shall be avoided; or if any Person shall pass with any Horse, or other Cattle or Beast, or Carriage, through any such Land or Place, to avoid the Payment of any of the said Tolls; or shall forcibly pass through any of the said Turnpikes with any Horse, or other Cattle, Beast, or Carriage, without Payment of the Toll after the same shall be demanded, or shall offer, give to, or receive from, any Person or Persons, or forge, counterfeit, or alter, any Note or Ticket, to be given by the Collector of the said Tolls, or shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, with an Intent to evade the Payment of any of the said Tolls, or any Part thereof, or shall interrupt or disturb any Person or Persons who shall be employed by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, in searching for, digging, or gathering, any Materials for repairing the said Road, and be thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the County in which the Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered to administer) every Person, so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

For giving or receiving Tickets, &c.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby impowered, at their First or any subsequent Meetings, 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 Seven or more of them, shall think proper, to borrow and take up at Interest such Sum or Sums of Money, not exceeding Three thousand Pounds, as they, or any Seven or more of them, shall think fit and necessary for the Purposes of carrying this 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, or any Part or Parts thereof (the Charges of such Mortgages or Assignments

to

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 which ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all ſuch 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 reaſonable Times by any Perſon or Perſons deſiring the ſame, without Fee or Reward.

Notice to be given of borrowing of Money.

Provided always, That no Money ſhall be borrowed upon the Credit of the ſaid Tolls (after the Two Firſt Meetings to be held by virtue of this Act) unleſs Notice in Writing be for that Purpoſe affixed 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 impowered, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Security, or by any 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 Monies 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 after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators, may in like Manner aſſign the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall make ſuch Aſſignment or

Aſſignments may be transferred.

Aſſignments to be entered in a Book.

Clerk's Fee.

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 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, That the said Trustees, or any Five or more of them, present at any Meeting, shall and may, by any Writing under their Hands and Seals, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the said Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they shall think proper to employ in the Execution of the Powers and Authorities given by this Act; and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, from their Offices, as they shall see Occasion, and appoint others, in case of Death or such Removal; and out of the Monies to be raised or received by virtue of this Act, to make such Allowances to them, or to such other Persons as shall be assisting in or about the Amendment or Alteration of the said Road, or any Part thereof, or in putting this Act in Execution, or in preventing any Abuses, contrary to the Intent hereof, as they the said Trustees, or any Five or more of them, shall think reasonable: And such Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Money to be raised or received by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath such Trustees are hereby impowered to administer) give in a true, exact, and perfect Account in Writing under their respective Hands, of all Money which shall have been by them respectively collected, raised, and received, and how, and to what Uses the same have been applied, and produce proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall authorize to receive the same; and if any such Officer or other Person aforesaid shall refuse to give such Account, or shall refuse to verify the same upon Oath as aforesaid, it shall, in both or either of such Cases, be lawful for any Justice or Justices of

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

the Peace for the County or Place where such Officer or other Person shall live or reside, upon Complaint being made to him or them, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause any such Officer or other Person as aforesaid to be brought before him or them; and such Justice or Justices is and are hereby authorized and required to make enquiry concerning such Default in a summary Way, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which the said Justice or Justices are hereby impowered and required to administer without Reward;) and upon Conviction, to commit every such Officer or other Person to the Common Gaol of the County wherein the Offence shall have been committed, or wherein the Offender shall be or reside, there to remain for any Time not exceeding Three Months, or until such Account shall be made and verified as aforesaid: And if any such Officer or other Person shall neglect or refuse to pay any Sum or Sums of Money which shall appear to remain in his Hands; it shall be lawful for any Justice or Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, and such Justice or Justices is and are hereby required to make Enquiry touching such Neglect in a summary Way, in Manner as aforesaid, and by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Officer or other Person respectively, rendering the Overplus (if any) after the Money remaining due, and the Charges of such Distress and Sale, shall be deducted; and if sufficient Goods and Chattles of such Officer or other Person cannot be found, such Justice or Justices, or any other Justice or Justices of the Peace, shall commit every such Officer or Person to the Common Gaol of the County where the said Offence shall be committed, or where such Officer or Person shall be or reside, there to remain for the Space of Six Months, or until the Offender shall have made such Payment to the said Trustees, or any Five or more of them, or to their Appointment, or shall have compounded for the same, and paid such Composition-money to such Trustees or their Treasurer; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Justices to inquire into the Default,

and commit the Offender.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall take such Security from

Treasurer, &c. to give Security.

from their Treasurer and other Officers for the due Execution of their respective Offices, as they the said Trustees, or any Seven or more them, shall think proper.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Turnpike Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall direct, to search for, dig, cut, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, in, out of, and from, any Quarry, River, or Brook, or in, out of, and from, the Waste or Common of or in any Parish, Town, Village, or Hamlet, in which any Part of the said Road lieth, or in any neighbouring Town, Village, or Hamlet, which shall be proper or convenient for repairing the said Road, without paying any Thing for the same; filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off the same, in such Manner as that such Pits may not be dangerous to Passengers or Cattle: And also that it shall and may be lawful for such Surveyor and Surveyors, and such Persons as he or they shall direct (such Surveyor or Surveyors having an Order in Writing for that Purpose from the said Trustees, or any Five or more of them) to search for, dig, cut, gather, take, and carry away, such Materials in, out of, from, and over, the Land or Lands, Ground or Grounds of any Person or Persons whomsoever, within the several Parishes, Townships, Villages, or Hamlets, in which any Part of the said Road doth lie, or any neighbouring Parishes, Townships, Villages, or Hamlets, (not being the Ground whereon any Dwelling-house stands, or a Garden, Orchard, Plantation, Nursery for Trees, Yard, Park, planted Walk, Avenue to any House, or Meadow Land) paying such Rates, Sum and Sums of Money for such Materials, and for the Damage which shall be done to the Owners or Occupiers respectively where and from whence the same shall be digged, cut, or gathered, and through or over which the same 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 between such Owners or Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County in which the Land shall lie, or Damage be done, shall hear and finally determine the same.

without paying for the same,

levelling the Pits, &c.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Turnpike Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to make or cauſe to be made Cauſeways, Drains, Ditches, and Fences, in and upon the ſaid Road, and through any Ground or Land lying contiguous to the ſaid Road, or any Part or Parts of the ſame; and to turn any Water-courſes, Sinks, or Drains, running into, along, or out of, the ſaid Road, to the Prejudice thereof; and to make, erect, widen, or alter, any Arches or Bridges upon, in, or leading to, the ſaid Road, or any Part thereof; and alſo to make, or cauſe to be made, a temporary Road through the Grounds or Lands adjoining to any narrow or ruinous Part of the ſaid Road (not being the Ground whereon any Houſe or Building ſhall ſtand, or a Garden, Orchard, Yard, Park, planted Walk, Avenue to any Houſe, or Nurſery for Trees) to be made uſe of as a Publick Highway whilſt the old, narrow, or ruinous Road is repairing or widening, and until ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to paſs along the ſame, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint in and by ſuch Order, making ſuch reaſonable Satisfaction to the Owners and Occupiers of the ſaid Ground or Land reſpectively, through or upon which any ſuch Arch, Bridge, Cauſeway, Drain, Ditch, or Fence, ſhall be made, erected, widened, or altered, or through which ſuch temporary Road ſhall be made, for the Damage ſuſtained 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, it ſhall and may be lawful to and for the Juſtices of the Peace, at their next General Quarter Seſſions to be holden for the County in which ſuch Land ſhall lie, or Damage be done, to hear and finally determine the ſame.

Surveyors may make Cauſeways, &c.

turn Water-courſes, &c.

erect Bridges,

and make a temporary Road;

making Satisfaction to the Owners.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That the ſaid Turnpike Surveyor or Surveyors, or any other Perſon or Perſons by him or them to be employed, may, by Order of the ſaid Truſtees, or any Five or more of them, remove all Annoyances, Nuiſances, and Obſtructions, upon any Part of the ſaid Road, and may open, ſcour, or cleanſe, any Water-courſes or Ditches, adjoining or near to any Part of the ſaid Road, and make the ſame as deep and large as he or they ſhall think fit, and cut down, top, or lop, any Timber or

Surveyors may remove Annoyances in the Road, &c.

other Trees or Buſhes, and lay down any Hedges growing in or near any Part of the ſaid Road, and take and carry away ſuch Trees, Hedges, Wood, Buſhes, or other Annoyances, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to cut down, lop, top, or lay down and carry away, ſuch Trees, Hedges, Wood, Buſhes, and other Annoyances, for the Space of Twenty Days next after Notice in Writing given to ſuch Owners or Occupiers for that Purpoſe under the Hand or Hands of ſuch Turnpike Surveyor or Surveyors; the Charges whereof ſhall be ſettled by the ſaid Truſtees, or any Five or more of them, and be reimburſed to ſuch Turnpike Surveyor or Surveyors by ſuch Owners or Occupiers; and in Default of Payment thereof the ſame ſhall be recovered in ſuch Manner as the Penalties are herein after directed to be recovered.

the Owners neglecting to remove the ſame after Notice;

Charges to be reimburſed to the Surveyors.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to compound and agree, from time to time, with any Perſon or Perſons for any Time, not longer than Three Years, for any Toll or Tolls which ſhall be payable by virtue of this Act at any Gate or Gates to be erected on the ſaid Road.

Truſtees may contract with Perſons for the Purchaſe of Lands, &c.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall think proper to widen, turn, or alter, the Path or Direction of any Part of the ſaid Road, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any Time or Times, to purchaſe any Lands or Hereditaments lying contiguous or near to any Part of the ſaid Road; and out of the ſaid Tolls, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Land and Hereditaments, and all the Charges attending ſuch Purchaſes; and it ſhall be lawful to and for all Bodies Politick and Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, Lunaticks, Ceſtuique Truſts, and all other Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract and agree with the ſaid Truſtees, or any Seven or more of them, for the Purchaſe of ſuch Lands and Hereditaments, or any Part thereof, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall require; and all Contracts, Agreements, Sales, and Conveyances, which

Bodies Politick, &c. impowered to treat.

ſhall

ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter or Thing whatſoever, to the contrary hereof in any wiſe notwithſtanding: And all Perſons are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Perſons neglecting to treat, &c.

And be it further enacted by the Authority aforeſaid, That if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons intereſted in any Lands, Grounds, or Hereditaments, as aforeſaid, upon convenient Notice to them given, or left in Writing at the Dwelling-houſe or Houſes, Place or Places of Abode of ſuch Perſon, 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, or through or over which ſuch new or additional Road or Roads ſhall be made as aforeſaid, ſhall, for 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, or of turning ſuch 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

Jury to ſettle the Recompence.

Witneſſes may be ſummoned, and examined upon Oath,

Ways

Ways and Means, as well for their own as for the ſaid Jury's 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 aſſigned by the ſaid Jury, 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 other Perſon or 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: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue a Warrant or Warrants to the Sheriff or Sheriffs of the ſaid reſpective Counties where ſuch Lands, Grounds, or Hereditaments ſhall lie, 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, or any Seven or more of them, ſhall ſwear

Verdict of the Jury to be made.

Truſtees may iſſue a Warrant to Sheriff, &c. to impanel a Jury.

or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the said County, or that can 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 Penalty 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 not to exceed 5 *l.* upon the Sheriff; nor 40 *s.* upon any other Person.

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

And be it further enacted by the Authority aforesaid, That all and every 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 to their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it

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

ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add 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, Grounds, and Hereditaments, ſhall be laid into, or added to, and made 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 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 and may be ſold by, the ſame Truſtees, 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 hereby directed to be repaired; and the Sale, or Conveyance or Conveyances, to be made of ſuch Lands or Grounds, being executed by the ſaid 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.

and eſteemed a publick Highway.

Old Road may be ſold.

Buildings, &c. not to be injured.

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,

Road, or making any ſuch new or additional Road or Roads as aforeſaid, nothing 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.

Lands, &c. chargeable to the Highways, to continue ſo.

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the ſaid Road, or any Bridge or Bridges therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the making of this Act; and that all Inhabitants of the Townſhips, Pariſhes, and Places, in which any Part of the ſaid Road lies, and all other Perſons liable to perform the Work commonly called Statute-work upon the ſaid Road, ſhall remain ſubject to the Performance of ſuch Work; and every Perſon who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, ſhall be deemed to keep a Team for every Fifty Pounds per Annum ſo held and occupied, and ſhall be liable to perform ſuch Statute-work as Perſons keeping Teams are obliged by Law to do: And that the reſpective Surveyor or Surveyors of the Highways for the reſpective Townſhips, Pariſhes, and Places, in which any Part of the ſaid Road lies; or in caſe no ſuch Surveyor is or ſhall be appointed, the Churchwardens or Overſeers of the Poor of ſuch Townſhips, Pariſhes, and Places, ſhall yearly, and every Year, within Six Days after Demand made to him or them reſpectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Chriſtian and Surname of every Perſon who, within ſuch reſpective Townſhips, Pariſhes, and Places, are liable to do Statute-work, and ſhall diſtinguiſh in ſuch Liſts which of ſuch Perſons ſhall, or by this Act ſhall be deemed to keep a Team or Teams, and which of them are Labourers only,

Inhabitants to do Statute-work.

Perſons renting 50 *l. per Ann.* deemed Team holders.

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

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

Penalty on Surveyors neglecting to deliver in ſuch Liſts,

and on Perſons not performing Statute-work.

Perſons found idle to be turned off.

ſuch Days Work on the ſaid Road as aforeſaid, ſhall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, 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 ſaid Road, or with any Perſon or Perſons, for the Performance of his or their Statute-work thereon; and alſo, that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the Townſhips, Pariſhes, or Places, or ſuch Churchwardens or Overſeers of the Poor reſpectively, as aforeſaid (by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips or Places firſt had at any 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 and 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 the 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 with Conſent of Inhabitants, may compound for Statute-work.

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

Truſtees may contract for repairing the Roads.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby 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, for the ſpeedy and effectual 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 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, ſuch Sum or Sums, ſo agreed to be paid to ſuch Perſon or Perſons, ſhall be paid yearly or quarterly, according to the Terms and Conditions of ſuch Agreements reſpectively.

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, ſhall

ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides thereof, 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, or ſhall cauſe or procure the ſame to be done; or in caſe any Perſon ſhall wilfully pull down, break, or damage, any Poſts or Rails which ſhall be erected or ſet up by the ſaid Truſtees, for fencing any Pits or Precipices, or ſhall cauſe or procure the ſame to be done, every Perſon, offending in any of the Caſes aforeſaid, ſhall forfeit and pay for every Offence the Sum of Forty Shillings.

Penalty on defacing Mile-ſtones, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall hale or draw, or cauſe to be haled or drawn, upon, in, or along, any Part of the ſaid Road, any Tree or Trees, or Piece or Pieces of Timber, otherwiſe than upon Wheel-carriages, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on drawing Timber otherwiſe than upon Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures, for Offences againſt this Act (the Manner of Recovery and Application whereof is not otherwiſe directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of 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 are hereby impowered and required to iſſue, upon the Information of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices 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) 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 be applied and diſpoſed of (if not otherwiſe directed by this Act) One Moiety for and towards amending the ſaid Road, and the other Moiety thereof ſhall be paid to the Informer or Informers.

Penalties and Forfeitures how to be recovered and applied.

Proceedings to be entered in a Book.

Books may be read in Evidence.

Perſons aggrieved may appeal to the Quarter Seſſions.

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 ſaid Truſtees, or any Five or more of them, at any of their Meetings to be held in purſuance of this Act; 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 reaſonable Times by any Perſon or Perſons requiring the ſame, without Fee or Reward.

And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any thing done 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 after ſuch Perſon or Perſons are ſo aggrieved (unleſs ſuch Grievance ſhall happen within Eight Days preceding ſuch next Quarter Seſſions, in which Caſe ſuch Appeal ſhall be brought at the Quarter Seſſions then next after) and the Juſtices in their ſaid Seſſions are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any ſuch Perſon or Perſons; 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 on or incurred by the Party or Parties complaining, or vacate or ſet aſide the Convictions or Conviction, and ſet the Party 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 pay the ſame; and for want of ſufficient Diſtreſs 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.

Provided

Notice of Appeal to be given.

Provided always, That the Perſon or Perſons ſo appealing ſhall give Notice in Writing to the Clerk or Treaſurer to the ſaid Truſtees for the time being, of his, her, or their Intention of bringing or proſecuting any Appeal, Eight 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, conditioned to try ſuch Appeal at ſuch Quarter Seſſions; and every ſuch Appeal ſhall at the then next General Quarter Seſſions be there heard and finally determined.

Recognizance to be entered into.

Proceedings not to be quaſhed for want of Form,

Provided always, and be it enacted by the Authority aforeſaid, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Penalties or Forfeitures incurred by 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.

nor removeable by *Certiorari*.

Times and Places of Truſtees Meeting.

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 Marlborough Head in Studley aforeſaid, on the Monday Fortnight next after the paſſing of 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 known by the Name or Sign of the Caſtle in Birmingham aforeſaid, between the Hours of Eleven and Twelve in the Forenoon; and the ſaid Truſtees ſhall adjourn themſelves and meet at the ſaid Houſes alternately, or at ſome other Houſe or Place upon or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, at any ſuch Meetings, ſhall think fit; and that the ſaid Truſtees, at their Firſt and all their ſubſequent Meetings, ſhall defray their own Charges and Expences.

Truſtees to defray their own Expences.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, and they are hereby impowered, by Writing under their Hands and Seals, to ſet, demiſe, let, or farm the Tolls by this Act granted, or any of them, 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

in Writing, to be fixed on all the Turnpikes which ſhall then be erected upon the ſaid Road, 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 in Commiſſion of the Peace may act as Juſtices.

And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch Truſtees who are in the Commiſſion of the Peace for the Counties of Warwick and Worceſter, or either of of them, to act as Juſtices of the Peace, in all Caſes, Matters, and Things, which may be neceſſary for the more ſpeedy and effectual putting in Execution this Act within their reſpective Juriſdictions.

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

And, for the Continuance, from time to time, of a ſufficient Number of Truſtees to put this Act into Execution, be it further enacted by the Authority aforeſaid, That when and as often as any of the Truſtees appointed, or to be elected in purſuance of this Act, ſhall die or refuſe to act, it ſhall and may be lawful for ſuch of the remaining Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, to elect, nominate, and appoint, One or more Perſon or Perſons, reſiding or having Eſtates in the ſaid Counties of Worceſter or Warwick, 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 dying 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; but 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, 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 authorized and impowered to act in the Execution of the ſe-

veral 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 authorized and impowered to act and do.

In Default of a ſufficient Number to act,

And be it further enacted by the Authority aforeſaid, That if it ſhall happen that there ſhall not appear, at any of the Meetings directed to be held in purſuance of this Act, a ſufficient Number of Truſtees to act, and to adjourn to another Day, the Clerk or Clerks to the Truſtees ſhall, by publick Notice in Writing, to be affixed upon all the Turnpikes erected by virtue of this Act at leaſt Twenty Days before the then next Meeting, appoint the ſaid Truſtees to meet ſome time in the Month then next enſuing, at the Houſe or Place where the laſt Meeting ought to have been held.

Clerk to give Notice of another Meeting.

In caſe the Clerk neglects, Truſtees may do it.

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 the Time at which ſuch Meeting ought to have been held; that then it ſhall and may be lawful for any Two or more of the ſaid Truſtees, at any Time or Times before ſuch next Meeting, to appoint ſuch Meeting of the ſaid Truſtees to be held in the Month next enſuing, at the ſaid Houſe to which the ſaid Meeting ſhall have been adjourned; which ſaid Appointment ſhall be in Writing, and ſhall be affixed on the Turnpikes or Toll-gates aforeſaid, at leaſt Seven Days before ſuch Meeting; and the ſame ſhall be deemed and taken to be ſufficient Notice of any ſuch Meeting.

No act valid, except 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 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, contrary to the true Intent and Meaning of this Act,

Penalty on acting if not qualified.

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 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 according to the Directions of this Act, 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.

No Order to be repealed unleſs 9 Truſtees be preſent.

And be it enacted by the Authority aforeſaid, That no Order made by the ſaid Truſtees, 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 Truſtee to have a Place of Profit.

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.

Victuallers, &c. not to hold Places of Profit.

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 Ale, Wine, or Spirituous Liquors, by Retail.

Writings to be without Stamps.

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 Hands and Seals of any of the ſaid 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 Execution of, any Power or Authority hereby veſted in ſuch Truſtees or Juſtices, or any of them, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this Act, and all the Tolls, Powers, and Authorities, 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.

And

Limitation of Actions. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done 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 brought in the County in which ſuch 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, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit was brought after the Time before limited for bringing the ſame as aforeſaid, or in any other County than that wherein the Cauſe of Action aroſe; 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 the Action after Appearance entered, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any Caſes by Law.

General Iſſue.

Treble Coſts.

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

FINIS.