Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from the Turnpike Road at *Hatton*, near the Borough of *Warwick*, through *Kings Norton*, in the County of *Worceſter*; and to the upper End of *Gannow Green*, in the Pariſh of *Bromſgrove*, and to the *Bell Inn*, in the Pariſh of *Bell Broughton*, in the ſaid County of *Worceſter*.

WHEREAS the Road leading from the Turnpike Road at Hatton, near the Borough of Warwick, in the County of Warwick, over and acroſs Part of Hockley Heath, to and through Kings Norton, in the County of Worceſter; and from thence to the upper End of Gannow Green, in the Pariſh of Bromſgrove, and to the Bell Inn, in the Pariſh of Bell Broughton, in the ſaid County of Worceſter; is in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened by the preſent Methods provided by Law: Preamble.

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, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Honourable Andrew Archer, Henry Archer, Robert Whadcock Avery, George Anderton, George Abney, the Right Honourable Francis Seymour Conway, commonly called Lord Viſcount Beauchamp; Sir Walter Wagſtaff Bagot, Sir Theophilus Biddulph, Baronets; William Bromley, William Bagot, Egerton Bagot, Paul Baine, Joſeph Bliſſitt, the Reverend Charles Beane, the Reverend Richard Bradſhaw, Thomas Birch, John Bradford, John Beardſley, Joſeph Bradnock, Thomas Bird, Caleb Barnett, Thomas Brettel, the Right Honourable the Earl of Catherlough, in the Kingdom of Ireland; the Right Honourable Henry Seymour Conway, Thomas Chambers, the Reverend John Coles, the Reverend Samuel Clements, the Reverend Richard Chambers, the Reverend Thomas Chambers, Edward Croft, Samuel Connonly, George Cattell, Joſeph Cotton, Edward Clifford, Thomas Collins, William Cornbill, Samuel Cox, William Collins junior, Thomas Collins, Cornelius Chattock, the Right Honourable William Dowdeſwell, William Dilk, the Reverend John Dolbin, John Dodd, George Eborall, Joſeph Eborall, William Eaſt, Avery Edwards, William Evans, Edward Ferrers, Thomas Fiſher, Thomas Fiſher, William Fitter, John Field, the Right Honourable George Greville, commonly called Lord George Greville; the Honourable John Greville, Sir Henry Gough Baronet, William Grove, Arthur Gregory, Hawkins Gower, the Reverend William Greenwood Doctor in Divinity, John Garland, Thomas Greenway, Bernard Gery, William Gueſt, John Gueſt, Benjamin Gueſt, Robert Gueſt, William Gueſt junior, Thomas Gem, Henry Green, the Reverend Green, Sir Leiceſter Holt Baronet, Peter Holford, James Hemming Clerk, Doctor James Haddow, Doctor John Holyoake, Judd Harding, William Hiorn, John Hands, Henry Harper, Avenant Hawkins, John Hawkesford, John Humphries, Richard Hicks, John Harris, Gregory Hicks, Joſeph Heeley, William Hunt, Thomas Hunt, Hopkins Horſeley, the Reverend Thomas Hall Clerk, Richard Inſull, James Kettle Clerk, William Kettle, William Knowles, John Keelinge, Sir Robert Ladbroke Knight, George Lucy, John Ludford, David Lewis, Doctor Lander, the Reverend Loggin, John Lane, Humphry Lytleton,

Truſtees Names.

Lytleton, William Low, Sir Charles Mordaunt Baronet, John Mordaunt, William Moody, the Reverend Charles Mordaunt, the Reverend John Mills, the Reverend Bartholomew Muſſon, William Moody junior, John Mitchell, Job Curtis Margetts, James Moore, Richard Midlemore, Robert Moore of Warwick, Robert Moore of Birmingham, Sir Roger Newdigate Baronet, James Newſan, Thomas Nelſon, Stephen Naſon, Walter Noel, Sir Henry John Parker Baronet, John Parker, Benjamin Palmer, John Parker of Warwick, John Parry, William Price, John Parkes, James Payton, John Perrott, the Reverend Other Phillpott, Thomas Roe, William Roe, John Ruſſell, Thomas Ruſſell, the Reverend Henry Roberts, the Honourable George Shirley, Sir Charles Shuckburgh, Sir Francis Skipwith, Baronets; Abraham Spooner, William Stanton, Ferdinando Smith, William Shaw, Richard Smith, Samuel Smith junior, John Serjeant, Thomas Sanders, John Sanders, Edward Sale, John Taylor, John Taylor junior, Iſaac Twycroſs, William Taylor, Joſiah Twamley, John Tibbatts, Samuel Taylor, Edward Tallis, Henry Vennor, John Venour, Roger Vaughton, the Honourable John Ward, Sir William Wheler Baronet, Edward Willes, James Weſt, James Weſt junior, Mathew Wiſe, Henry Wiſe, Henry Wiſe junior, Matthew Wiſe of Lemmington, Chriſtopher Wren, Francis Wheler, Charles Trubſhaw Withers, the Reverend Whatton, the Reverend John Welchman, the Reverend Charles Wheler, George Weale, William Wilſon, Richard Wright, Thomas Watſon, George Watſon, Walter Watſon, Stephen Watſon, Thomas Watchorn, William Watchorn, Thomas Wakefield, Nathaniel Whitehead, Price Wakefield, William Wakefield, John Wright, Francis Zouch, **ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act, and all the Powers hereby given, in Execution.**

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, lying or being in the Counties of Warwick **and** Worceſter, **or One of them, clear of all Incumbrances and Repriſes; or be poſſeſſed of a Perſonal Eſtate of the Value of One thouſand Pounds; or ſhall be Heir Apparent of a Perſon**

poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame; to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, 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 be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or acroſs, any Part or Parts of the ſaid Road, and alſo upon the Side or Sides thereof, and acroſs any Lane or Way near to, or leading into, the ſame; and alſo a Toll-houſe or Toll-houſes at or near to each Gate or Turnpike; and ſhall demand, receive, and take, the Tolls following, before any Horſe, Cattle, or Carriage, ſhall be permitted to paſs through the ſame; (that is to ſay)

Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chair, Chaiſe, Hearſe, Caravan, or Litter, 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 or Three Horſes, Mares, Geldings, or Mules, the Sum of Nine Pence.

For every Calaſh, Chaiſe, or Chair, drawn by One Horſe, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or more Horſes, Mares, Geldings, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, One Shilling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, Six Pence; and drawn by One Horſe, Ox, or other Beaſt of Draught, Three Pence.

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of 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; and the Money ſo to be raiſed and collected, ſhall be, and is hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall be paid, applied, and diſpoſed of, and may be aſſigned, to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as is herein after-mentioned: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods and Chattles of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining, ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Goods, ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls, and reaſonable Charges of diſtraining, keeping, and ſelling, ſhall be deducted and paid.

Tolls veſted in Truſtees.

Tolls to be levied by Diſtreſs and Sale.

Diſtreſs to be ſold after 4 Days.

Provided always, and it is hereby further enacted and declared by the Authority aforeſaid, That no Perſon ſhall be liable to pay any Toll more than Once for paſſing and repaſſing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, with the ſame Cattle and Carriage, through the Gates or Turnpikes to be erected by virtue of this Act, upon either Part of the Road; but that all and every Perſon and Perſons, having paid Toll as aforeſaid upon either of the ſaid reſpective Parts of the ſaid Road, ſhall, during the Remainder of ſuch Day, to be computed as aforeſaid, paſs Toll-free with the ſame Cattle and Carriage,

Tolls to be paid but Once a Day.

riage, through the Gate or Turnpike at which Toll was paid, upon producing a Note or Ticket denoting the Payment of ſuch Toll; which Note or Ticket the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll; and alſo through all other Gates or Turnpikes erected by virtue of this Act upon, acroſs, or on the Side of, ſuch reſpective Part of the ſaid Road where the ſaid Tolls were paid, as aforeſaid.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the firſt Monies ariſing by virtue of this Act, or out of the Monies to be borrowed on the Credit of the ſaid Tolls, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge the Charges and Expences of procuring and paſſing this Act; and the Remainder of the Money ſo raiſed, ſhall be applied in defraying the Expence of erecting Gates, Turnpikes, and Toll-houſes, and repairing and widening the ſaid Road, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, or the Execution of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, order, direct, and appoint.

Turnpikes, &c. veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all the Turnpikes and Toll-houſes to be erected by virtue of this Act, and the Right and Property to and of the Materials provided for building and repairing the ſame, and to and of all Materials which ſhall be actually got or collected for repairing the ſaid Road, ſhall be, and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cauſe any Action or Actions to be brought, in the Name or Names of any One or more of them, or of their Treaſurer or Treaſurers, Clerk or Clerks, againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof, or keep Poſſeſſion of any Turnpike or Toll-houſe, after Notice given by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Treaſurer for the time being, to ſuch Perſon or Perſons to quit the ſame, or who ſhall dig up, break, or pull down, ſteal, take, carry away, ſpoil, injure, or deſtroy, any Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, which ſhall by virtue of this Act be erected or provided, or any Part thereof, or any of the Materials of which the ſame ſhall be made, built, or conſiſt.

And

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, upon Ten Days Notice to be given thereof upon all the ſaid Turnpikes, from time to time, by Writing under their Hands and Seals, to let or farm the Tolls by this Act granted, or any Part thereof, to any Perſon or Perſons, who ſhall be willing to take or farm the ſame, from Year to Year, or any Part of the Term hereby granted, not exceeding Three Years at any one letting, upon publick Bidding to the higheſt Bidder, and for the beſt Price ſuch Truſtees can get for the ſame, payable at ſuch Times, and in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Nine or more of them, ſhall think fit. Truſtees may leaſe, &c. the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from time to time, to leſſen, with the Conſent of the ſeveral Perſons who ſhall have advanced any Money on the Credit of the ſaid Tolls hereby granted, all or any Part of the ſaid Tolls, and to advance the ſame again, ſo as not to exceed the Tolls hereby granted, as often as they ſhall think neceſſary; any thing herein contained to the contrary notwithſtanding. Truſtees, with Conſent of Creditors, may leſſen the Tolls; and raiſe them again.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall with any Horſe, Beaſt, or Carriage, go or paſs through any Ground, Parcel of Land, or other Place adjoining to or lying near any or either of the Gates or Turnpikes to be by virtue of this Act erected, the ſame not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which ſhall adjoin or lie near to any or either of the ſaid Gates or Turnpikes, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons with any Horſe, Beaſt, or Carriage, to go or paſs through the ſame Ground, Land, or Hereditaments; or if any Perſon or Perſons ſhall give to, or receive of any Perſon or Perſons (except the Perſon or Perſons appointed to collect and receive the Tolls hereby made payable) any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the ſaid Tolls; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage, or ſhall unload any Cattle or Carriage, or having paſſed through any of Penalty on permitting, or going thro' private Paſſage, &c. or on giving or receiving Tickets, &c. or taking off Horſes, &c.

the ſaid Turnpikes, ſhall afterwards add or put any Horſe or other Cattle to any ſuch Carriage, and draw therewith, upon any Part of the ſaid Turnpike Road, ſo as to increaſe the Number of Horſes or other Cattle drawing the ſaid Carriage, after the ſame ſhall have paſſed through any of the ſaid Turnpikes, whereby or by Means whereof the Payment of any or either of the ſaid Tolls ſhall be evaded or leſſened; that then, and in either of the aforeſaid Caſes, every Perſon ſo offending, being convicted, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, over and beſides ſuch Damages and Puniſhments as they and every of them reſpectively ſhall be liable to by Law; And it ſhall and may be lawful for the ſaid Collectors, and for every of them, and all other Perſons by them required to aſſiſt in that Reſpect, to ſeize any Horſe or Horſes, Beaſt or Beaſts, or Goods belonging to or in the Poſſeſſion, or under the Care of any Perſon or Perſons ſo offending in the Premiſſes, and the ſame to take before any Juſtice of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed, and before him to make Complaint of ſuch Offence or Offences; and ſuch Juſtice may and is hereby required to examine the Nature of the Offence or Offences ſo complained of, and by the Confeſſion of the Party or Parties ſo complained of, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, if the ſaid Juſtice ſhall ſee Cauſe, to convict the Party or Parties complained of, if he, ſhe, or they, ſhall not appear before him, in the reſpective Penalties aforeſaid; and for Nonpayment thereof, and of the Tolls that ſhall be due, though the ſame ſhall not be demanded, by Warrant under his Hand and Seal, to cauſe the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, to be ſold for Payment of the ſaid Tolls and Penalties, and the Charges of ſeizing, keeping, and ſelling the ſame, and of ſuch Conviction; and after Payment thereof, to render the Overplus of the Money ariſing by ſuch Seizure and Sale (if any there ſhall be, and be demanded) to the Owner or Owners of the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, or to the Perſon or Perſons under whoſe Care, or in whoſe Poſſeſſion they reſpectively was or were when ſo ſeized as aforeſaid; and if no ſuch Seizure as aforeſaid can or ſhall be made, then the aforeſaid Penalties, Forfeitures, and Tolls, ſhall be levied and recovered by ſuch Means and in ſuch Manner as are herein after mentioned

to avoid Payment of the Tolls.

tioned and provided for the levying and recovering of the Penalties and Forfeitures impoſed by this Act.

Exemptions from Tolls.

Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be charged with, or compellable to pay, any of the Tolls made payable by this Act, for the going, paſſing, returning, or repaſſing, of any Waggon, Wain, Cart, Dray, or other Carriage, or of any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt, drawing or not drawing, or not uſing or travelling on the ſaid Road more than Three hundred Yards; or if the ſame ſhall be uſed or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Dung, Mould, Soil, or Compoſt of any Kind, for the manuring of any Garden, or other Land or Ground, or that ſhall be uſed or employed in the plowing, ſowing, tilling, cultivating, or ſtocking, of any Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, groſs or dead Hedgewood, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Yards, or Backſides, of the Owner or Owners thereof; or for the going, paſſing, returning, or repaſſing, of any Plough, Harrow, Dray, or other Implements of Husbandry; or of any Horſe, Mare, Gelding, Ox, or other Beaſt, drawing the ſame, in order for repairing thereof, or uſing them in Husbandry, or any Thing whatſoever that ſhall be uſed or employed in Husbandry, or manuring or ſtocking of Land; or for the going, paſſing, returning, or repaſſing, of any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt or Cattle, to or from Water or Paſture, or in order to be ſhoed, farried, or cured, of any Lameneſs, Illneſs, or Diſtemper; or for the going, paſſing, returning, or repaſſing, of any Horſe, Mare, Gelding, Mule, or Aſs, that is or ſhall be uſed only to ride on by the Owner or Driver of any Waggon or other Carriage, the ſame going or travelling along with ſuch Waggon or Carriage; or for the going or travelling along with ſuch Waggon or Carriage; or for the going, paſſing, returning, or repaſſing, of the Horſes of any Officers or Soldiers on their March; or of any Waggon, Cart, or other Carriage, or any Horſe, Mare, or other Beaſt, drawing the ſame, in the Carriage of the Arms or Baggage of ſuch Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horſe or other Beaſt, drawing or not drawing the ſame, that ſhall be uſed or employed in

the paſſing of Vagrants travelling with lawful Paſſes; or for any Poſt-horſe or Horſes, carrying or drawing the Mail; or for the paſſing, returning, or repaſſing, of any Horſe, Mare, Gelding, Mule, or Aſs; or of any Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Caravan, or other Carriage, or of any Horſe, Mare, or Gelding, drawing the ſame, that ſhall be going to, or returning from, any Election of any Knight or Knights of the Shire to ſerve in Parliament for the Counties of Warwick and Worceſter, on the Day or Days of ſuch Election or Elections; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims, &c.

Time and Place 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 together at a General Meeting at the Croſs Keys in Warwick aforeſaid, on the Firſt Tueſday in June, One thouſand ſeven hundred and ſixty ſeven, and proceed to the Execution of this Act; and ſhall then, and from time to time afterwards (at a General Meeting) adjourn themſelves to, and meet at ſuch Houſe or Place, Houſes or Places, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, for putting this Act in Execution; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, and to adjourn to another Day; or in caſe the Truſtees, at any Time ſo aſſembled, ſhall omit or neglect to adjourn themſelves; the Clerk or Clerks to the ſaid Truſtees ſhall, from time to time, in either of ſuch Caſes, by Notice in Writing to be affixed upon all the Turnpikes which ſhall be erected upon or acroſs the ſaid Road, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held, on the Day Three Weeks after the Day for which ſuch laſt Meeting was appointed; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences: And that all Orders and Determinations of the ſaid Truſtees in Execution of this Act, ſhall be at Meetings to be held in purſuance of this Act, and not otherwiſe, except as herein after is excepted: And that no ſuch Order or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine of ſuch Truſtees ſhall be preſent, nor

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

Truſtees not to act but at a publick Meeting.

No Order to be made unleſs a Majority of the Truſtees preſent ſhall concur therein.

No Order made to be repealed, unleſs 9 Truſtees are preſent.

nor unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk of the ſaid Truſtees, to be by him affixed up at the Gates or Turnpikes then ſtanding upon the ſaid Road, at leaſt Ten Days previous to any Meeting to be held for ſuch Purpoſe; nor ſhall any Truſtee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act; but all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees not to hold any Place of Profit, but may act as Juſtices.

Provided always, and be it further enacted by the Authority aforeſaid, That Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment; and if it ſhall at any Time happen that no Truſtee ſhall appear at the Time and Place appointed for any of the Meetings of Truſtees to be held under the ſaid Act, then, in caſe the Clerk or Clerks of the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall and may be lawful for any Five or more of the Truſtees appointed to put this Act in Execution, at any Time or Times, the Space of Ten Days after ſuch Refuſal, Neglect, or Prevention, of the Clerk or Clerks, having firſt intervened, to appoint ſuch Truſtees to meet at ſome Houſe in or near the ſaid Road, upon the Day Fortnight after the Date of ſuch Notice, which ſaid Notice ſhall be in Writing, and ſhall be affixed on all the Turnpikes erected by virtue of this Act, and the ſame ſhall be deemed and taken to be ſufficient Notice for any ſuch Meeting.

In caſe the Clerk neglects to give Notice, Truſtees may do it.

And be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, by Writing under their Hands and Seals, to elect one other Perſon qualified as aforeſaid, to be a Truſtee in the Room of ſuch Truſtee ſo deceaſed or refuſing to act; but Notice in Writing, of the Time and Place of Meeting for every ſuch Election, ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpikes in or upon the ſaid Road, at leaſt Fourteen Days before any ſuch Meeting; and all Perſons who ſhall, from time to time, be ſo elected, are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſons

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

Notice to be given of ſuch Election.

sons in whose Places they shall be respectively chosen were vested with.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered, at any Meeting to be held in pursuance of this Act, to borrow and take up at Interest any Sum or Sums of Money as they, or any Nine or more of them, shall think needful, upon the Credit of the Tolls payable by virtue of this Act; and to assign over and convey the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignment and Conveyance to be paid out of such Tolls respectively, to any Person or Persons who shall advance and lend their Monies thereon, 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 borrowed, and the Interest thereof as aforesaid; and the Money so to be borrowed shall be applied in such Manner, and for such Purposes only as the Tolls so assigned are hereby directed to be applied; and that Copies of all such Assignments and Conveyances shall be entered at Length in a Book or Books, to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after the first Meeting of the Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any other Person or Persons whomsoever; all which Assignments and Transfers shall be produced and notified to the Clerk or Clerks to the said Trustees, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Transfer, specifying the Dates thereof, and the Names, Additions, and Places of Abode, of the several Parties, and the Sum or Sums therein

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witneſſes to the Execution thereof, in the ſaid Book or Books to be kept for entering the ſaid Original Aſſignments, for which the Clerk or Clerks ſhall be paid Two Shillings and Six Pence, and no more, by the Perſon or Perſons to whom ſuch reſpective Aſſignments or Transfers ſhall be made; which ſaid Book or Books ſhall and may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling, and no more, ſhall be paid to ſuch Clerk or Clerks for every ſuch Inſpection; and after ſuch Entry made, and not otherwiſe, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the ſame, or any Monies thereon due. Clerk's Fee.

And be it further enacted by the Authority aforeſaid, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect to the Priority of advancing ſuch Sum or Sums of Money; but all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on this Act in equal Degree one with another. All Creditors to be deemed equal in Degree.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject the ſaid Truſtees, or Perſons appointed to receive the ſaid Money, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning or ſealing any ſuch Aſſignment or other Securities to be made in purſuance of this Act, or any or either of them. Truſtees not liable by reaſon of ſigning, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, at their Second or any ſubſequent Meeting, from time to time, to appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the ſaid Tolls, and Surveyor or Surveyors of the ſaid Road, and ſuch other Officers for the due Execution of this Act, as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and, Truſtees may appoint Officers;

and remove them, and appoint others.

and, from time to time, to remove ſuch Officer or Officers, and, on the Death or Deaths, Removal or Removals, of ſuch Officers, to appoint others in their Steads; but Fourteen Days Notice ſhall be given of every Meeting, where any ſuch Appointment ſhall be made, upon all the ſaid Turnpikes: And may, and are hereby authoriſed and impowered, by and out of the Monies which ſhall ariſe by virtue of this Act, to appoint and make ſuch Salaries and Allowances to ſuch Officers and other Perſons, by them the ſaid Truſtees employed for their Services, in or about the repairing, widening, or altering the ſaid Road, or any Part thereof, or otherwiſe in putting this Act in Execution, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable.

Truſtees to allow Officers Salaries.

Treaſurer, &c. to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officer or Officers, to be appointed for the Purpoſe of this Act, for the due Execution of his or their Office or Offices, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; and that no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

No Victualler, &c. to hold any Place of Profit.

Officers to account upon Oath.

And be it further enacted by the Authority aforeſaid, That all ſuch Officers and other Perſons, ſhall, from time to time, when, and as often as he or they ſhall be thereunto required by the ſaid Truſtees, or any Five or more of them, produce, render, and give up, to them the ſaid Truſtees, or any Five or more of them, full, true, and fair, Accounts, in Writing, of all the Monies which ſhall have been by them reſpectively had, collected, or received, and how, and when, and for what, ſuch Monies, and every Part thereof, hath or ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and ſhall, and are hereby reſpectively required to pay all ſuch Monies as, upon the Balance of ſuch Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, and for ſuch Uſes and Purpoſes, as they, or any Five or more of them, ſhall direct and appoint; and that all and every the ſaid Officers and Perſons ſo accounting, or to account as aforeſaid, ſhall, if

if required upon their several Oaths (which said Oaths the said Trustees, or any Five or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the said Officers or Persons so accounting, or to account as aforesaid, being required so to do, shall refuse or neglect to render, or give up, such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof, upon his or their Oath or Oaths; or shall refuse or neglect to pay such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Names of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside; such Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done: And if upon the Confession of the Officer or Officers, Person or Persons, against whom such

Officers refusing to account,

may be sued;

or if Complaint be made to Justices,

they may determine the Matter,

Balance may be levied by Distress and Sale.

Complaint or Complaints ſhall be made, or by the Oath or Oaths of One or more Witneſs or Witneſſes, and which ſaid Oath or Oaths ſuch Juſtice is hereby impowered to adminiſter, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons; ſuch Juſtice may, and is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers, Perſon or Perſons: And if no Goods or Chattles of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame; or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, upon Notice thereof delivered to ſuch Officer or Officers, Perſon or Perſons, or left at their Place or Places of Abode reſpectively; or if appearing, ſhall refuſe or neglect to give or deliver to the ſaid Juſtice ſuch Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of each ſuch Account, and of the Items and Articles thereof, upon Oath, as aforeſaid, or to produce or deliver up to the ſaid Juſtice the ſeveral Receipts and Vouchers relating to ſuch Accounts reſpectively, and to the Items and Articles thereof; then, and in either of the Caſes aforeſaid, the ſaid Juſtice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be committed to the Common Gaol of the County, where the Offender or Offenders ſhall live and reſide; there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their reſpective Accounts, and verified the Items thereof on Oath, and ſhall have produced and delivered up the Receipts and Vouchers relative to ſuch Accounts reſpectively, and ſhall have paid all the Money which ſhall appear to be in their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in thoſe Reſpects have been made, or ſhall have compounded with ſuch Truſtees, or any Five or more of them, for the ſame, and paid the Money which ſhall be thereby ſtipulated to them to be paid; which ſaid Compoſitions of the Money the ſaid Truſtees, or any

For want of Diſtreſs, the Offenders to be committed,

until Payment or Compoſition made.

Five

Five or more of them, are hereby authorized and impowered to make and receive, or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

Truſtees may appoint Collectors, tho' not at a publick Meeting.

Provided always, That as often as any Collector or Collectors of the ſaid Tolls ſhall die, or be removed, or be incapable of performing his Duty, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at any Meeting purſuant to this Act, by any Writing under their Hands, to appoint another Perſon to collect ſuch Tolls; and ſuch Perſon ſhall continue to collect the ſame until the Truſtees ſhall, at a Meeting to be held in purſuance of this Act, appoint a Collector or Collectors of ſuch Tolls; any thing herein contained to the contrary notwithſtanding.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors of the ſaid Road, or any of them, and ſuch other Perſon and Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of Roads, in, upon, out of, or from any Waſte or Common Ground or Grounds, River or Brook, in any Pariſh, Town, or Place, in, adjoining to, or lying near the ſaid Road, or in any neighbouring Pariſh, Town, or Place, to be uſed, diſpoſed of, and applied, in repairing the ſaid Road, without paying any Thing for the ſame; they, the ſaid Surveyors, or other Perſons, filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle: And if ſuch Quantities of Materials, proper and ſufficient for that Purpoſe, cannot be had or found in or upon ſuch Waſte or Common Ground or Grounds, River or Brook; then, and in ſuch Caſe, the Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, or any Five or more of them, cut, dig, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands, Fields, or Grounds, of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground, planted with any Walk or

without paying for the ſame;

levelling the Pits.

Materials may be taken from private Grounds;

Walks

making Satisfaction to the Owners.

Walks of Trees, or Avenue to any Houſe) paying or offering to pay to the reſpective Owner or Owners of ſuch Lands, Fields, or Grounds, ſuch Damages for the cutting, digging, gathering, taking, and carrying away the ſaid Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the ſame over their Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall judge and think reaſonable: And in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons, by them appointed or employed as aforeſaid, and the ſaid Owner or Occupier, or any or either of them, concerning the ſaid Damages; the Juſtices of the Peace of the County or Place wherein ſuch Difference ſhall ariſe, at their General Quarter Seſſions of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe, and on Six clear Days Notice thereof, to be given by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, or to be left at their reſpective Place or Places of Abode, with ſome or One of their reſpective Families, ſhall hear, ſettle, and determine the Matters of the ſaid Damages, whoſe Judgement or Order therein ſhall be final and concluſive to all Parties.

Juſtices to determine Differences.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, or ſuch Perſons as he or they ſhall appoint, from time to time, ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the ſaid Road, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and convert the ſame to his or their own Uſe or Uſes, and to turn any Watercourſes, Sinks, or Drains, running along, into, or out of the ſaid Road, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper, any Watercourſes or Ditches adjoining thereto, and make the ſame as deep and large as he or they ſhall think neceſſary, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to open, ſcour, cleanſe, widen, or deepen, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors, ſhall require, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under

turn Watercourſes, &c.

under the Hand or Hands of ſuch Surveyor or Surveyors; and to cut down, lop, or top any Trees, Branches, Shrubs, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, and to take, carry away, and ſell, the Wood ſo cut, and apply the Money ariſing thereby in Repair of the Road whereon the ſame ſtood, in caſe the Owners or Occupiers ſhall neglect to lop or top, cut down, and remove ſuch Trees, Branches, Shrubs, or Buſhes, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall require, for the Space of Ten Days next after Notice given in Writing for that Purpoſe, to be left at the Houſe belonging to the Land on which the ſame ſhall ſtand, or at the Houſe of the Tenant in Poſſeſſion thereof, under the Hands of Five of the ſaid Truſtees; the Charges whereof to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every Offence, forfeit the Sum of Twenty Shillings.

the Owners neglecting to remove the ſame after Notice;

Charges to be reimburſed to the Surveyors.

Penalty on a Second Offence.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors of the ſaid Road, or ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make Cauſeways, and alſo Ditches or Drains in and upon the ſaid Road; and alſo through any Grounds or Fields lying contiguous thereto; and alſo to make a Road through the Grounds or Fields adjoining, or lying near to any hollow Way, or narrow or ruinous Part of the ſaid Road (ſuch Ground reſpectively not being the Ground whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground, planted and ſet apart as a Nurſery for Trees) to be made uſe of as a publick Highway, whilſt the old Road is repairing or widening; and alſo, by Order of any Five or more of the ſaid Truſtees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and croſs any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; making ſuch Recompence to the Owners and Occupiers

Surveyors may make Cauſeways, &c.

and widen the narrow Parts of the Road,

erect Bridges,

making Satisfaction to the Owners.

Occupiers of the private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them, but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any Moor or Waſte Ground.

Penalty on obſtructing Officers in their Duty.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any or either of the ſaid Turnpike Surveyors, or any other Perſon or Perſons by them or either of them, or by the ſaid Truſtees, or any Five or more of them, for thoſe Purpoſes employed, in the cutting, digging, gathering, or carrying away, any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, for the altering, widening, or repairing, the ſaid Road by this Act intended to be repaired; or in topping, lopping, cutting, or carrying, any Tree, Top, Lop, or Overhanging; or digging, cleanſing, or ſcouring, any new or other Ditch, Drain, or Watercourſe, as aforeſaid; or doing any other Act in or for the repairing, widening, or altering, the ſaid Road, by virtue of the Powers by this Act given, or any of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Nine or more of them, ſhall, at any Time or Times hereafter, during the Continuance of this Act, think proper to extend, enlarge, widen, turn, or make any new Road or Roads contiguous or adjacent to the ſaid Road, or any Part or Parts of the ſaid Road, hereby directed to be repaired; that then it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of any Lands or Hereditaments lying on either Side of the ſaid Road, or through which any new Road or Roads to be made contiguous or adjacent to any Part or Parts of the Road hereby directed to be repaired ſhall lead, for the abſolute Purchaſe of ſo much and ſuch Part or Parts of ſuch Lands and Hereditaments as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper and neceſſary for the extending, enlarging, widening, or turning, the ſaid Road, or making any new Road or Roads, or any Part or Parts thereof; and all Bodies Politick and Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole,

Bodies Politick, &c. impowered to treat.

Feoffees

Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees, for or on Behalf of Infants, Femes Covert, or Ceſtuique Truſt, and all other Perſons whomſoever, may and ſhall contract and agree with the ſaid Truſtees by this Act appointed, or to be appointed, or any Nine or more of them, for the abſolute Sale or Exchange of ſuch Lands and Hereditaments, and of their reſpective Eſtates and Intereſts therein, and may and ſhall convey ſuch Lands and Hereditaments to the ſame Truſtees, or any Nine or more of them, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances, that ſhall be ſo made as aforeſaid, ſhall be valid and binding againſt and to all Perſons, and to all Intents and Purpoſes whatſoever: And if the ſaid Truſtees, and Owner or Owners, cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments ſo intended to be purchaſed; then, and in ſuch Caſe, the ſaid Truſtees, or any Nine or more of them, may, and are hereby authorized and impowered, Six clear Days before any General or Quarter Seſſions of the Peace to be holden for the reſpective Counties where ſuch Lands ſhall lie, to give, or cauſe to be given, to ſuch Owner or Owners, and ſuch Perſons intereſted in ſuch Lands or Hereditaments, or to be left at their laſt Place of Abode reſpectively, with ſome or One of their reſpective Families, a Notice in Writing, denoting and deſcribing the reſpective Quantities of Lands or Hereditaments ſo intended to be purchaſed and laid into the ſaid Road, or uſed for the Purpoſes of this Act, and the Places where the ſame ſhall lie, and purporting that the Value and Values of ſuch Lands or Hereditaments reſpectively ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions; and the Juſtices at their ſaid Seſſions, upon Proof to them then and there made, of ſuch Notice or Notices having been ſo given, ſhall, and are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impanelled and returned by the Sheriff of the County, without Fee or Reward; and cauſe them to be ſworn well and truly on their Oaths, to aſſeſs the Value of the Lands or Hereditaments comprized in the ſaid Notices, and the Damages and Recompence to be given for the ſame to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Oath the ſaid Juſtices are hereby impowered and required to adminiſter to the ſaid Juries, and to which ſaid

Perſons neglecting to treat for the Sale of Lands;

Juſtices to aſſeſs the Damages.

Jurors may be challenged.

ſaid Juries they the ſaid Truſtees, and all Parties intereſted in the ſaid Lands, ſhall have their lawful Challenges; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath to them given, concerning the Nature and Quantity, and Value of the ſaid Lands or Hereditaments, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, according to their reſpective Intereſts; which Verdict of the ſaid Jury, and Judgement of the ſaid Juſtices upon the ſame, ſhall finally bind and be concluſive to the ſaid Truſtees, and all Perſons and Parties intereſted in the ſaid Lands and Hereditaments; and that from and after ſuch Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be made for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, or after the Execution of any Conveyance of the ſaid Lands or Hereditaments to the ſaid Truſtees, or any Nine or more of them, by the reſpective Owner or Owners thereof, and Payment or Tender of the Money thereby ſtipulated to be paid for the ſame, and which Money, Damages, and Recompence the ſaid Truſtees, or any Nine or more of them, are hereby impowered to pay out of the Monies which ſhall be borrowed, raiſed, and collected by virtue of this Act, the ſaid Lands and Hereditaments, and every Part thereof, and the Fee Simple and Inheritance thereof, and of every Part thereof, ſhall be veſted in the ſaid Truſtees, and their Heirs, without any Fine or Recovery, notwithſtanding the ſame ſhall or may be limited and ſettled to, for, or upon, any Uſe, Truſt, Limitation, Intail, Remainder, or otherwiſe, and notwithſtanding any Politick, Corporate, or other Intereſt therein;

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

and that then and from thenceforth the ſaid Truſtees, or any Nine or more of them, or any Perſon or Perſons by them, or any Nine or more of them, for that Purpoſe impowered or employed, may, and is and are hereby authorized and impowered, to take and lay the ſaid Lands and Hereditaments, and every Part thereof, into

and deemed a publick Highway.

the ſaid reſpective Road or Roads; and then, and from thenceforth ever afterwards, ſuch Lands and Hereditaments, and every Part thereof, ſhall be deemed, taken, or uſed, and the ſame are and is hereby made and declared to be a Part or Parts of ſuch Road or Roads; and ſhall, for ever hereafter, be repaired, and kept in Repair,

Repair, as Part of ſuch Roads reſpectively; any Right, Title, Intereſt, Law, Cuſtom, or Uſage, to the contrary thereof in any wiſe notwithſtanding: And in caſe any new Road or Roads ſhall be purchaſed contiguous and adjacent, or leading to any Part of the Road hereby directed to be repaired, when ſuch new Road ſhall be made and compleated, the Lands and Grounds compriſed, in and through which the ſaid old Road did lead, is hereby veſted in the ſaid Truſtees, and ſhall and may by them, or any Five or more of them, be ſold or diſpoſed of for the beſt Price that may be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the repairing the Road hereby directed to be repaired; and the Conveyances to be made of ſuch Lands and Grounds, compriſed in and through which the old Road did lead, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace in the County in which ſuch Road ſhall lie, ſhall be good and effectual in Law, to all Intents and Purpoſes whatſoever. Old Road to be ſold.

Provided always, and be it further enacted by the Authority aforeſaid, That in altering, widening, turning, or diverting, any Part or Parts of the ſaid Road, nothing ſhall be done which ſhall or may in any ways injure or damage any Houſe or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto. Buildings, &c. not to be damaged.

And be it further enacted by the Authority aforeſaid, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Perſons whatſoever, who, by Law, Cuſtom, Uſage, or otherwiſe, are or ſhall be liable to the Repair of any Part or Parts of the Road by this Act intended to be repaired, or any Bridge or Bridges, Drains or Sewers thereon, or to pay any Sum or Sums of Money for or towards the Repairs thereof, ſhall, notwithſtanding this Act, remain liable to repair the ſame, or to pay ſuch Money for or towards the Repairs thereof, as they reſpectively, before the paſſing of this Act, were or was liable to do or pay. Perſons liable to repair Bridges, &c. to continue ſo.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the ſeveral Pariſhes, Hamlets, and Places, through which the Road by this Act intended to be repaired doth lead, Inhabitants to do Statute-work.

and that are or ſhall be liable to do Statute-work or Duty on the Highways, ſhall yearly, and every Year, do Two Days of ſuch Statute-work or Duty, in ſuch Part or Parts of the ſaid Road as doth or do lie in ſuch Pariſhes, Hamlets, and Places reſpectively, and in ſuch Places thereof, and at ſuch Times (the ſame not being in Hay Time or Harveſt) and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act appointed, or either of them, ſhall for thoſe Purpoſes direct or appoint; and that every Inhabitant of ſuch Pariſhes, Hamlets, and Places reſpectively, who ſhall rent, hold, or occupy, Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team, and ſhall with their Teams and Servants, or otherwiſe, as the Caſe ſhall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of ſuch Pariſhes, Hamlets, and Places reſpectively, and where there ſhall be no Surveyor, then the Churchwardens or Overſeers of the Poor, and if no Churchwardens or Overſeers, then ſome or one of the principal Inhabitants of the ſaid Pariſhes, Hamlets, and Places reſpectively, ſhall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpoſe reſpectively given, by the ſaid Truſtees, or any Five or more of them, or by any or either of the ſaid Turnpike Surveyors, under his or their reſpective Hands, deliver to ſuch Truſtees or Surveyors, from whom ſuch Pariſh Surveyor, Churchwarden, Overſeer, or Inhabitant, ſhall receive ſuch Notice, or to One of them, a true Liſt in Writing of the Names of all the Inhabitants of ſuch Pariſhes, Hamlets, and Places reſpectively; and ſhall therein diſtinguiſh and ſet forth which of ſuch Inhabitants keep Teams, and occupy Plough Lands, and are liable to Team's Duty, and which of them are Labourers, or liable only to Labourer's or any and what other Duties to the Highways: And if any or either of the Inhabitants of the ſaid Pariſhes, Hamlets, or Places, ſhall refuſe or neglect to do their reſpective Statute-work or Duty on the ſaid Road, at ſuch Times and Places, and in ſuch Manner, and according to the Powers by this Act given, he ſhall be directed to do, or ſhall not work full Eight Hours in each of the ſaid Days, or ſhall be negligent of or in ſuch Work; every

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

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

Penalty on Perſons not performing Statute-work.

ſuch Perſon, for every ſuch Neglect or Offence, ſhall forfeit the ſeveral and reſpective Sums herein after-mentioned; (that is to ſay) Every Perſon liable to do a Team's Duty, the Sum of Ten Shillings; and every Perſon liable to do a Labourer's Duty only, the Sum of One Shilling: And if any or either of the ſaid Pariſh Surveyors, Churchwardens, Overſeers, or Principal Inhabitants of the ſaid Pariſhes, Hamlets, or Places reſpectively, having ſuch Notice to deliver ſuch Liſt or Liſts as aforeſaid, ſhall refuſe or neglect ſo to do, within the Time, or in the Manner, herein before for thoſe Purpoſes mentioned, every ſuch Surveyor, Churchwarden, Overſeer, and Inhabitant, ſhall, for every ſuch Neglect or Offence, forfeit the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver Liſts.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered, to compound with the ſeveral Inhabitants of the ſeveral Pariſhes, Hamlets, and Places, through which the Road by this Act intended to be repaired doth lead, for the Statute-work and Labour by them reſpectively by virtue of this Act to be done in the ſaid Road in every Year; the ſeveral Sums of Money at and for which ſuch Work and Labour ſhall be ſo compounded, being paid down at the reſpective Times of making ſuch Compoſition.

Truſtees may compound with Pariſhes, &c. for Statute-work.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered and required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up on the Sides of the ſaid Road, at the Space of One Mile diſtant from each other, with Inſcriptions thereon, denoting the Diſtance of each of the ſaid Stones or Poſts from ſome Town or Place, as they ſhall think fit; and alſo to erect Guide or Direction Poſts with ſuch Inſcriptions thereon as the ſaid Truſtees, or any Five or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully break or pull down, dig up or damage, the ſaid Stones or Poſts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks, that ſhall be inſcribed thereon, or cauſe or procure the ſame to be done; every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings;

Road to be meaſured, and Mile-ſtones erected.

Penalty on defacing Mile-ſtones.

One

One Moiety whereof ſhall be paid to the Informer, and the other Moiety, after replacing and repairing the reſpective Stones or Poſts that ſhall be removed or damaged, ſhall be applied in ſuch Manner, and for ſuch Purpoſes, as other the Forfeitures by this Act impoſed are hereby directed to be applied.

Penalty on drawing Timber otherwiſe than upon 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 or draw, or cauſe to be haled or drawn, upon, in, or along, any of the ſaid Roads by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwiſe than and except upon Wheels or Carriages; every ſuch Perſon or Perſons, for every ſuch Offence, ſhall forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That when any Penalties or Forfeitures by this Act impoſed ſhall be incurred, (except ſuch as are by this Act otherwiſe particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Juſtice of the Peace of the County or Place where ſuch Penalty or Forfeiture ſhall be incurred, by or on the Oath or Oaths of One or more Witneſs or Witneſſes; ſuch Juſtice may, and is hereby required to, iſſue his Warrant or Warrants under his Hand and Seal, for the apprehending and bringing ſuch Perſon or Perſons before him, or ſome other Juſtice of the Peace of the ſaid County or Place, to anſwer the Matter of the ſaid Complaint or Complaints; and the Juſtice before whom ſuch Perſon or Perſons ſhall be ſo brought, or if the Perſon or Perſons cannot be eaſily met with or found, then, upon leaving a Summons from and under the Hand and Seal of ſuch Juſtice, which he is hereby, in ſuch Caſe, required to iſſue, at the laſt and uſual Place of Abode of ſuch Perſon or Perſons, thereby ſetting forth the Nature of the ſaid Complaint or Complaints, and appointing a Time and Place for the ſaid Perſon or Perſons to appear and anſwer the ſame before ſuch Juſtice, ſuch Summons being ſo left Four Days before the ſaid Time appointed for ſuch Appearance; ſuch Juſtice, although the ſaid Perſon or Perſons being ſo ſummoned ſhall not appear, may, and is hereby required to enquire into the Cauſes and Matters of the ſaid Complaint or Complaints in a ſummary Way; and

either

either by the Confeſſion of the ſaid Perſon or Perſons, or on the Evidence of One or more Witneſs or Witneſſes, upon Oath as aforeſaid, if he ſhall ſee Cauſe, convict the ſaid Perſon or Perſons of ſuch Offence or Offences, and in the Penalties or Forfeitures by him or them reſpectively incurred in theſe Reſpects; and for Nonpayment thereof, though the ſame ſhall not be demanded, ſhall iſſue a Warrant or Warrants under his Hand and Seal for levying the ſame Penalties and Forfeitures by Diſtreſs and Sale of the Goods and Chattles of ſuch Offender or Offenders, rendering the Overplus, if any there ſhall be, after Payment of ſuch Penalties and Forfeitures, and the Charges of the ſaid Convictions, Diſtreſſes, and Sales, to the ſaid Offender or Offenders reſpectively, if demanded; and, for want of ſuch Diſtreſs or Diſtreſſes for thoſe Purpoſes, ſhall iſſue a Warrant or Warrants under his Hand and Seal for the apprehending ſuch Offender or Offenders, and for committing him or them to the Common Gaol or Houſe of Correction of the County or Place where he, ſhe, or they, ſhall be ſo apprehended, there to remain, without Bail or Mainprize, until the ſaid Penalties or Forfeitures, and Charges, or the Arrears thereof, ſhall be paid, or until ſuch Offender or Offenders ſhall have compounded for the ſame with the ſaid Truſtees, and paid ſuch Compoſition to them, and which ſaid Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make and receive, and upon Receipt thereof to diſcharge the ſaid Offender or Offenders from the ſaid Penalties or Forfeitures, and Charges.

Overplus Money to be returned to the Owner.

And be it further enacted by the Authority aforeſaid, That all the Penalties and Forfeitures by this Act impoſed, other than and except ſuch or ſuch Parts thereof as are by this Act otherwiſe directed to be paid, ſhall be paid to the Truſtees, and ſhall be by them applied in the Repair of ſuch Part of the ſaid Road in reſpect whereof ſuch Penalty or Forfeiture reſpectively ſhall be incurred, in like Manner as other the Monies to be raiſed by virtue of this Act are hereby directed to be applied.

Application of the Penalties.

And be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in Purſuance of this Act, ſuch Perſon may appeal againſt the ſame to the Juſtices of the Peace at their

Perſons aggrieved may appeal to the Quarter Seſſions.

next General Quarter Seſſions, to be held for the County where the Matter ſhall ariſe, after the Act, Order, Conviction, Judgement, or Determination, ſhall by virtue hereof be done or made, upon Ten Days Notice thereof, in Writing, if ſo many before the ſaid next Seſſions, being given by ſuch Perſon, in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to any Surveyor or Collector of the ſaid Tolls of the Road in reſpect whereof ſuch Act, Order, Conviction, Judgement, or Determination, ſhall be ſo made, and, within Four Days after ſuch Notice, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, to proſecute ſuch Appeal with Effect; and the ſaid Juſtices, at their ſaid Seſſions, may, and are hereby required to examine the Cauſes and Matters of ſuch Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or diſcharge the ſame, and to award ſuch Coſts to be paid by and to either of the ſaid Parties concerned in the ſaid Appeal, as they ſhall judge proper; and which ſaid Judgements of the Juſtices, at their Seſſions, ſhall be finally binding to all Parties; and the Penalties and Forfeitures contained in the ſaid Acts, Orders, Convictions, Judgements, or Determinations, in caſe the ſame ſhall be confirmed, and the Charges attending the ſame, and the Coſts awarded by the Seſſions, ſhall, upon producing the ſame Acts, Orders, or Determinations, or a Duplicate or Duplicates thereof, and the ſaid Orders of Seſſions confirming the ſame, to any ſuch Juſtices as aforeſaid, be levied by Diſtreſs and Sale of the Goods and Chattles, and by Commitment of the Offender, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, in ſuch Manner as the Penalties and Forfeitures by this Act impoſed are herein before directed to be levied.

Notice of Appeal to be given.

Recognizance to be entered into.

And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer

Diſtreſs not unlawful for want of Form;

nor the Party diſtraining deemed a Treſpaſſer *ab initio*.

or

or Treſpaſſers ab initio, on account of any Irregularity which ſhall happen to be done in making ſuch Diſtreſs; but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damages which he or they ſhall have ſuſtained thereby, with uſual Coſts, and no more, in an Action of Treſpaſs on the Caſe, at the Election of the Parties ſo aggrieved.

Plaintiff not to recover, if Tender of Amends has been made.

Provided nevertheleſs, That no Plaintiff ſhall recover in any Action for any Irregularity as aforeſaid, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Party or Parties diſtraining before ſuch Action brought, or if ſuch Tender of Amends ſhall be made at any Time after the ſaid Action brought, and before the Trial thereof, together with the Coſts of Suit to the Time of ſuch laſt mentioned Tender; but on Proof made of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgement as in Caſes of Nonſuit, with Full Coſts, to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any Caſe by Law.

Proceedings not to be quaſhed for want of Form,

Provided always, and be it further enacted by the Authority aforeſaid, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that ſhall be done, made, or had, by the ſaid Truſtees, or by any Juſtice or Juſtices of the Peace, or by the Seſſions, by virtue of this Act, ſhall be quaſhed, vacated, or diſcharged, for want of Form only; or ſhall be removed or removable by Certiorari, or otherwiſe, into any Court of Record at Weſtminſter.

nor removable by *Certiorari*.

Proſecutors, &c. to be paid their Coſts.

And be it enacted by the Authority aforeſaid, That in caſe any Action or Proſecution ſhall be commenced or proſecuted in purſuance of this Act, under the Authority, or by the Direction, of the ſaid Truſtees, or any of them, in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall, out of the Monies ariſing by virtue of this Act, allow and pay to the Proſecutor, or ſuch Perſon or Perſons in whoſe Name or Names ſuch Action or Proſecution ſhall be commenced or proſecuted, all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall be really and bona fide out of Pocket, for or by reaſon of ſuch Action or Proſecution, or any Judgement or Determination therein, and likewiſe indemnify all ſuch Perſons as ſhall be proſecuted, or have any Action or Actions brought

brought againſt them, for or by reaſon of any Thing done in purſuance of this Act, under the Authority, and by the Direction, of the ſaid Truſtees, or any Five or more of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this preſent Act, and the ſeveral Tolls, Authorities, and Powers, hereby made payable and given, ſhall commence, and have Continuance, from the Firſt Tueſday in June, One thouſand ſeven hundred and ſixty ſeven, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforeſaid, That all Acts, Orders, Accounts, and Proceedings, of the Truſtees, to be done, made, or had, by virtue of this Act, ſhall be fairly, and without Delay, entered in a Book or Books to be, by the Clerk or Clerks to the ſaid Truſtees, kept for thoſe Purpoſes; and ſuch Acts, Orders, Accounts, and Proceedings, ſo entered, ſhall be ſigned by the ſaid Clerk or Clerks; and being ſo ſigned, ſhall be deemed to be Originals; which ſaid Books, and alſo the Books directed to be kept for entering the ſaid Aſſignments and Transfers, ſhall be admitted as Evidence in all Courts whatſoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, Mortgage, Aſſignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees for putting this Act in Execution, or 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.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That no Suit or Action at Law ſhall be brought againſt any Perſon or Perſons for any Thing done, or to be done, by virtue of this Act, until after Ten Days Notice thereof in Writing ſhall be given to the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, thereby ſetting forth the Cauſe of ſuch Action, or left at his or their laſt uſual Place

of

of Abode; and that every Action brought for any thing done, or to be done, as aforeſaid, ſhall be brought within the Space of Six Calendar Months next after the Cauſe thereof ſhall ariſe; and ſhall be laid and tried in the County where the Cauſe of ſuch Action ſhall ariſe; and the Defendant or Defendants therein may plead the General Iſſue thereto, and give this Act, and the Special Matter, in Evidence, and that the ſame was done by virtue hereof: And if, on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of Ten Days next after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Six Calendar Months next after the Cauſe thereof ſhall ariſe; or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, or after ſuch ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved; then, and in every the Caſes aforeſaid, the Jury on the Trial of ſuch Action ſhall find for the Defendant or Defendants therein: And in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action; or if the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame, after the Defendant or Defendants ſhall have appeared thereto, or ſhall be Nonſuited; or if, upon Demurrer, Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs; the Defendant or Defendants in ſuch Action ſhall have Treble Coſts, and ſhall have the like Remedies for recovering the ſame, as Defendants have for recovering their Coſts in other Caſes by Law. General Iſſue. Treble Coſts.

Provided always, and be it further enacted, That if any Action at Law ſhall be brought againſt any Perſon, for any Thing done in purſuance of any Summons, Notice, Action, Order, Judgement, Conviction, Determination, Warrant, or other Proceeding, of or from the ſaid Truſtees, or of or from any Juſtice of the Peace, or of the Quarter Seſſions, the Defendant or Defendants in ſuch Action ſhall not be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form, or other Irregularity, of or in any ſuch Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or Proceeding; nor ſhall the ſaid Defendant or Defendants be deemed a Treſpaſſer or Treſpaſſers ab initio, for or on account of any Irregularity which ſhall afterwards be done by him, them, or either of them; but the Perſon or Perſons Summonſes, &c. not to be deemed unlawful for want of Form; nor the Party diſtraining be deemed a Treſpaſſer *ab initio*.

ſons aggrieved by ſuch Irregularity ſhall recover Satisfaction only for the Special Damages, in an Action or Actions on the Caſe.

Publick Act. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. 7

FINIS.