ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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Ruſſell, the Honourable *John Ruſſell* commonly called Lord *John Ruſſell*, the Honourable *John Trevor*, the Honourable *Thomas Grenville*, the Honourable *Samuel Ongley*, the Honourable *William Waldegrave*, *Thomas Alſton*, *Juſtinian Alſton*, *Rowland Alſton*, *Vere John Alſton* Clerk, *William Lee Antonie*, *Charles Abbott* Doctor in Divinity, *William Silveſter Addington*, *John Wilſon Allen*, *James Wadman Alexander* Clerk, *James Aſpinwall* Clerk, *Joſeph Barnard*, *Thomas Barnard*, *Charles Bailey*, *Thomas Warrener Baſeley*, *John Brereton* Clerk, the Mayor of *Bedford* for the Time being, *Thomas David Boſwell*, *Thomas Palmer Bull*, *Joſeph Francis Buckworth*, *Thomas Cave* Clerk, *Richard Cautley* Clerk, *Charles Cheſter*, *Thomas Cockman*, *George Cooch*, *John Cooke*, *William Cotton* Clerk, *Frogmere Cumming* Clerk, *John Day*, *John Hill Day*, *John Thomas Dawſon*, *Farrer Grove Spurgeon Farrer*, *John Foſter*, *Frederick William Foſter*, *Thomas Fry* Clerk, *Thomas Gadſby* Clerk, *Robert Garſtin*, *John Gibbard*, *James Gibbon*, *Miller Golding*, *Francis Green*, *Thomas Gurney*, *John Green*, *Thomas Shuttleworth Grimſhaw* Clerk, *Charles Marius Hardy*, *John Hempſted* Clerk, *Bartholomew Higgins*, *John Higgins*, *John Higgins*, *Charles Higgins*, *Henry Hugh Hoare*, *William Hooper* Clerk, *George Pitt Hurſt*, *Philip Hunt* Doctor of Laws, *Thomas Kidman*, *Charles Kipling* Clerk, *Richard Leach*, *William Levi*, *Thomas Lilburne*, *George Livius Barham Livius*, *William Lucas*, *George Lucas*, *William Selby Lowndes*, *Robert Lowndes* Clerk, *William Long*, *Ebenezer Fuller Maitland*, *Manſell Dawkins Manſell*, *James Meakin*, *Robert Meſham* Clerk, *John Miller*, *Peregrine Naſh*, *George Peregrine Naſh*, *Richard Orlebar*, *Joſeph Okely*, *Charles Fyſhe Palmer*, *Benjamin Palmer*, *John Parker* Bachelor in Divinity, *William Parker*, *Richard Parker*, *Joſeph Aſhby Partridge*, *Theed Pearſe*, *Joſeph Margetts Pierſon*, *Charles Pinfold*, *John Polhill*, *Edward Platt*, *William Pulley* Clerk, *John Pulley*, *Henry Pulley*, *William Praed*, *James Backwell Praed*, *William Tyringham Praed*, *John Prettyman* Clerk, *John Purſer*, *Francis Pym*, *Legh Richmond* Clerk, *Joſeph Robinſon*, *Robert Wilkin Robinſon*, *William Stapleton*, *William Smith* Grazier, *Alexander Small*, *William Lowndes Stone*, *Charles Short*, *Robert Shedden*, *William Staines*, *William Stephen* Clerk, *James Thomas*, *Stephen Thornton*, *John Trapp*, *Benjamin Trapp*, *Philip Hoddle Ward*, *William Watkins*, *John Williams*, *Edmond Williamſon* Clerk, *Edmond Riland Williamſon*, *John Wing*, *Joſeph Willis*, *Samuel Whitbread*, *William Henry Whitbread*, *Samuel Charles Whitbread*, *James Suttell Wood* Clerk, *Thomas Whaley* Clerk, and their Succeſſors, to be appointed in the Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for altering, widening, turning, repairing, improving, and maintaining the ſaid Road leading from *Saint Lloyds*, in the Town of *Bedford* aforeſaid, to the ſaid Turnpike Road leading from *Olney* to *Newport Pagnell* aforeſaid, and for carrying this Act into Execution.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, and they are hereby authoriſed and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed

III. And

III. And be it further enacted, That when and ſo often as any Truſtee ſhall die, or become diſqualified, or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees from Time to Time to elect and appoint One other Perſon to be a Truſtee, in the room of ſuch Truſtee ſo dying, or being diſqualified, or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given in Writing, under the Hand of the Clerk of the ſaid Truſtees, and be affixed on all the Turnpike Gates then erected by virtue of this Act, Ten Days at leaſt before any ſuch Meeting; and every Perſon ſo elected and appointed ſhall be a Truſtee for the Purpoſes of this Act, and be veſted with the ſame Powers and Authorities for executing this Act as if he had been herein named and appointed. Truſtees to elect others in the Room of ſuch as die, or refuſe to act.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting or voting as a Truſtee in the Execution of this Act, (except in adminiſtering the Oath or Affirmation herein-after directed,) unleſs he ſhall at the Time of his acting 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 Forty Pounds, or poſſeſſed of or entitled to Perſonal Eſtate of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear Yearly Value of Eighty Pounds, nor until he ſhall have taken and ſubſcribed before any One or more of the Truſtees appointed or to be appointed by or in purſuance of this Act, an Oath or Affirmation in the following Form of Words; and which Oath the ſaid Truſtees, or any or either of them, at any of their Meetings held in purſuance of this Act, are and is hereby authorized and empowered to adminiſter; (that is to ſay) Qualification of Truſtees.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am, in my own Right, [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Forty Pounds, [*or*, poſſeſſed of or entitled to Perſonal Eſtate of the Value of Eight hundred Pounds, [*or*, am Heir Apparent of who, to the beſt of my Knowledge, is poſſeſſed of an Eſtate in Land, of the clear Yearly Value of Eighty Pounds [*as the Caſe may be*].

'So help me GOD.' Oath.

Nor ſhall any Perſon be capable of acting or voting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act, or who ſhall ſell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail, nor in any Caſe wherein he ſhall be individually intereſted (except as Creditor); and if any Perſon not being duly qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution 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 ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo ſued or proſecuted ſhall prove that Penalty on acting if not qualified.

he is so qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Direction of this Act.

Acts of Trustees not qualified, if done before Conviction, valid.

First Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall meet together at the House called or known by the Name or Sign of the *Swan Inn*, in the Parish of *Saint Paul*, in the Town of *Bedford* aforesaid, on the Third *Monday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then, and at all subsequent Meetings, from Time to Time adjourn to meet at such Time and Place or Places, in or near the said Road hereby authorized to be repaired, as the said Trustees shall think proper and convenient for putting this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to act, the Trustees then and there present, or any One of them, may adjourn the Meeting to another Day; and if no Trustee shall be present, or in case of any Neglect or Omission to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held (as the Case may be), and to such Time as he shall think fit, not exceeding Twenty-one Days nor less than Ten Days from the Time of such Default, and shall thereof give Notice by Writing under his Hand, to be affixed on all the Turnpike Gates then erected by virtue of this Act, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place in or near the said Road, as they the said Five Trustees shall think proper, not exceeding Twenty-one nor less than Ten Days from the Time of affixing such Notice; and the said Trustees at all their Meetings shall defray their own Expences.

Fixing the Quorum of Trustees, and regulating Proceedings.

VI. And be it further enacted, That no Act of the said Trustees shall be valid, unless made or done at some Meeting to be held by virtue of this Act, except where the same is hereby otherwise directed; and that all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings, to be holden by virtue of this Act; the Number of Trustees present at such Meetings not being less than Five, unless where hereby otherwise provided for; and at every Meeting of the said Trustees a Chairman shall be appointed; and when and as often as it shall happen that there shall be an Equality of Votes, (including the Vote of the Chairman), at any such Meeting upon any Question, then and in such Case the Chairman may give the decisive or casting

casting Vote; and that no Order made by the said Trustees at any Meeting shall be revoked or altered at any subsequent Meeting, without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made; nor unless Notice of such intended Revocation or Alteration, signed by the Clerk to the said Trustees, shall have been affixed on all the Turnpike Gates which shall be then erected by virtue of this Act, Twenty-one Days at least before such subsequent Meeting; and in all Cases where the said Trustees, or any Justice or Justices of the Peace are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Trustees, or for such Justice or Justices, to administer such Oath.

Special Meetings.

VII. And be it further enacted, That if any Five or more of the said Trustees shall think it necessary, for the better Execution of this Act, that a Meeting should be held before the Time appointed by virtue of any Adjournment, then and in every such Case it shall be lawful for any such Five or more of the said Trustees, or the Clerk, by their Order, to give Ten Days Notice at least, in Writing, to be affixed on all the Turnpike Gates then erected by virtue of this Act, of the Time and Place of holding such earlier Meeting; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the said Trustees had met in pursuance of Adjournment or otherwise, by virtue of this Act.

Proceedings to be entered in Books.

VIII. And be it further enacted, That all and every the Orders and Proceedings of the said Trustees, done by them or any of them in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and which Orders and Proceedings so entered, being signed by the Clerk to the said Trustees, shall be deemed and taken to be Originals, and the same, or true Copies thereof, shall and may be produced and read and admitted in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings touching any Thing done in pursuance of or by Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering Mortgages and Assignments herein-after mentioned, shall and may be inspected and perused by any of the said Trustees, or any Creditor, without Fee or Reward, at all seasonable Hours.

Appointment of Officers.

IX. And be it further enacted, That the said Trustees shall and may, from Time to Time, at any of their Meetings, either by any Order then to be made, or by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers; and on the Death or Removal of any such Officer or Officers, may appoint others in their Stead; and Ten Days Notice of the Intention of such Appointment shall be given in Writing, affixed on all the Turnpike Gates then erected by virtue of this Act, of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to

such Officers and other Persons employed, for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the said Road hereby authorized to be repaired, or any Part thereof, or otherwise in carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Treasurer to give Security.

X. And be it further enacted, That the said Trustees shall, and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they think fit, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

Officers to account on Oath.

XI. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and shall verify such Accounts upon Oath (which Oath any Five or more of the said Trustees, or any Justice of the Peace for the County where such Officer or Person shall reside, is and are hereby empowered to administer); and such Officers and Persons shall, and they are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in his or their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road hereby authorized to be repaired, and Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may, and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before such Justice; and in case of such Officer or Officers, Person or Persons, not appearing upon such Summons, (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes being shewn for such Non-appearance), to issue his Warrant or Warrants for the Apprehension of such Officer or Officers, Person or

Perſons, and upon his or their appearing upon ſuch Summons, or being apprehended and brought before ſuch Juſtice by virtue of ſuch Warrant, or having abſconded or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he 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 Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice, in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road hereby authorized to be repaired, then and in either of the Caſes aforeſaid ſuch Juſtice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to any Houſe of Correction within the County where he or they ſhall live and reſide, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees are hereby empowered to make), or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof, to the ſaid Truſtees; but no ſuch Officer or other Perſon, who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act, for any longer Space of Time than Six Calendar Months.

On Death of Gatekeeper, Two Truſtees may nominate another until next Meeting, &c.

XII. And be it further enacted, That it ſhall be lawful for any Two or more of the ſaid Truſtees, upon the Death, Neglect, Refuſal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint ſome other fit Perſon to be Collector in his or her Place, until the next Meeting of the Truſtees, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner, in all Reſpects, as the Perſon in whoſe Room or Stead he or ſhe ſhall be ſo appointed, any

Thing

Thing herein-before contained to the contrary notwithſtanding; but ſuch Appointment ſhall continue in force no longer than until the Day of the next Meeting of the ſaid Truſtees; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances which he or ſhe held, occupied, or enjoyed in Right of his or her Appointment to that Office, within Four Days after Notice given to him or her, or left at ſuch Toll Houſe, in Writing, under the Hands of any Two or more of the ſaid Truſtees, or if the Wife or Widow or Family of any ſuch Collector, who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances, within Four Days after Notice of ſuch new Appointment being made as aforeſaid ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Two or more of the ſaid Truſtees, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County, Town, or Place where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector in Poſſeſſion thereof.

Actions to be brought in the Name of the Clerk.

XIII. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name of their Clerk for the Time being; and that no Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, but that the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action, Cauſe, Suit, Bill, Plaint, Indictment, Proſecution, Trial, or other Proceeding, as the Caſe ſhall be: Provided always, that every ſuch Clerk ſhall be reimburſed all ſuch Damages, Coſts, Charges, and Expences as he ſhall have paid, or be ſubject or liable to on account thereof, out of the Money ariſing by virtue of this Act.

Power for Truſtees to erect Turnpikes and Toll Houſes.

XIV. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, and alſo one or more Toll Houſe or Toll Houſes, with Outbuildings ſuitable thereto (the Land to be uſed for each Toll Houſe, and its Appurtenances, not to exceed One-fourth Part of an Acre) in, upon, or acroſs any Part or Parts of the ſaid Road hereby authorized to be repaired and maintained, as they ſhall think proper; and alſo upon the Sides of the ſaid Road, and at the End or acroſs, or within Twenty Yards from the End of any Lane or Way leading into or out of the ſame; and from Time to Time to take down and remove ſuch Gate or Gates, Turnpike or Turnpikes, Toll Houſe or Toll Houſes, and Outbuildings, or alter the ſame, or any Part or Parts thereof reſpectively, as they the ſaid Truſtees ſhall think neceſſary: Provided always nevertheleſs, that it ſhall not be lawful for the ſaid Truſtees, or any Perſon or Perſons by their Order, to erect, make, or place

place any Toll Gate or Turnpike upon or acroſs the ſaid Road hereby authorized to be repaired, nearer to the Town of *Bedford* than the Diſtance of Twenty Yards Weſt of the Eaſt End of *Peacock's Lane*, in the ſaid Pariſh of *Bromham*, at which Point the Turnpike Road leading from *Bromham Bridge* to the ſaid Town of *Olney*, and other Places in the County of *Buckingham*, enters the ſaid Road hereby authorized to be repaired.

Property of Turnpikes and Toll Houſes veſted in Truſtees.

XV. And be it further enacted, That the Right and Property of and in all and every the Gates, Turnpikes, Toll Houſes, Buildings, Fences, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by the Surveyor or Agent, or Surveyors or Agents, for repairing the ſaid Road hereby authorized to be repaired, or for any other of the Purpoſes of this Act; and all Gates, Rails, Bars, Fences, Mile Stones, Mile Poſts, Guide Poſts, or other Poſts to be erected and ſet up on the ſaid Road, and of all Materials, Carts, Harneſs, Tools and Implements, Articles and Things, which ſhall have been found or provided for making, altering, or repairing the ſaid Road hereby authorized to be repaired, ſhall be and the ſame are hereby veſted in the ſaid Truſtees hereby appointed; and they are hereby authorized and empowered to bring, commence, and proſecute, or cauſe to be brought, commenced, and proſecuted, or to defend any Action or Actions, in the Name of their Clerk for the Time being, or to prefer and proſecute, or order and direct to be preferred and proſecuted, any Indictment or Indictments againſt any Perſon or Perſons who ſhall diſturb them in the Enjoyment of the Property thereof; or who ſhall dig up, break, or pull down, ſteal, take or carry away, ſpoil, injure, or deſtroy any Gate, Turnpike, Toll Houſe, or other Building, Table of Tolls, Gate, Rail, Bar, Fence, Mile Stone, Mile Poſt, Guide Poſt, or other Poſt, or who ſhall ſteal, take, or carry away any of the Materials thereof, or any of the Materials, Carts, Harneſs, Tools, Implements, or other Matters and Things which ſhall have been provided for the Repair of the ſaid Road; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be, and ſhall be deemed to be ſufficient to lay, charge, and ſtate generally the Article or Articles, Thing or Things, for or in reſpect of which any ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment ſhall be preferred, to be the Property of the Truſtees for the Time being, acting in the Execution of this Act, without ſpecially naming them or any of them.

Tolls.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates or Toll Houſes, or Side Bars or Side Gates, which ſhall be erected by virtue of this Act; and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night); that is to ſay,

For every Horſe, Mare, Gelding, or other Beaſt of Draught, drawing any Coach, Chariot, Hearſe, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of One Shilling:

For every Coach, Chariot, Chaiſe, Chair, or other ſuch Carriage with Four Wheels, being empty or having no other Load than the Harneſs to be uſed therewith, which ſhall be faſtened to and drawn behind any Waggon, Wain, Cart, or Carriage, the Sum of One Shilling and Sixpence:

For every Chaiſe, Chair, or other ſuch Carriage with leſs than Four Wheels, being empty or having no other Load than the Harneſs to be uſed therewith, which ſhall be faſtened and drawn as aforeſaid, the Sum of One Shilling:

For every Horſe, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Four-pence:

For every Aſs laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or acroſs the ſaid Road hereby authorized to be repaired, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector ſhall, and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment.

Tolls veſted in the Truſtees, &c.

XVII. And be it further enacted, That the ſaid Tolls and the Money to ariſe thereby, ſhall be, and are and is hereby veſted in the ſaid Truſtees; and a Table of the ſaid Tolls ſhall be put up and continued at each and every Turnpike or Toll Gate erected by virtue of this Act; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand made thereof by any ſuch Collector as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for ſuch Collector to ſeize and diſtrain, or cauſe to be ſeized and diſtrained, any Horſe or Horſes, or other Beaſt or Cattle, or Carriage chargeable with the ſaid Tolls, and the Bridles, Saddles, Harneſs or Accoutrements which ſhall be upon any ſuch Horſe or other Beaſt, or any Part or Parts thereof, but not apart from ſuch Horſe or other Beaſt; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Five Days next after ſuch Seizure and Diſtreſs made, the Collector ſo ſeizing aud diſtraining may ſell or cauſe to be ſold the Horſe or Horſes, Beaſts or other Cattle, and their Bridles, Saddles, Harneſs, or Accoutrements ſo ſeized and diſtrained, or any Part thereof, at or near the Turnpike where the ſaid Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after ſuch Tolls and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame ſhall be deducted and paid.

XVIII. And

Tolls to be paid but once the ſame Day.

XVIII. And be it further enacted, That every Perſon or Perſons, having paid the Tolls or Duties by this Act granted, at any Turnpike or Toll Gate to be erected by virtue of this Act, through which ſuch Perſon or Perſons ſhall have paſſed with any Horſe, Mare, Gelding, Mule, Aſs, Cattle, or Carriage as aforeſaid, ſhall have and receive of the Collector a Note or Ticket denoting ſuch Payment, (and which Note or Ticket the ſaid Collector is hereby required to give); and ſuch Perſon or Perſons, on producing ſuch Note or Ticket to the ſaid Collector, ſhall be at Liberty to paſs and re-paſs Toll-free through the ſame Turnpike, at any Time or Times before Twelve of the Clock at Night of the ſaid Day, with the ſame Horſe, Mare, Gelding, Mule, Aſs, Cattle, or Carriage.

Limiting the Number of Tolls on the whole Line of Road.

XIX. Provided always, and be it further enacted, That no more than Two Tolls in the whole ſhall be demanded or taken in any one Day, to be computed as aforeſaid, for or in reſpect of the ſame Horſes, Beaſts, Cattle, and Carriages, for paſſing along the whole Line of the ſaid Road, through all the Turnpikes or Gates thereon.

Side Gates not to extend to a double Charge.

XX. Provided alſo, and be it further enacted, That the Payment of Toll by any Perſon or Perſons at any Turnpike or Turnpikes to be erected in purſuance of this Act, upon the Sides of the ſaid Road hereby authorized to be repaired, or at the End, or acroſs, or within Twenty Yards from any Lane or Way leading into or out of the ſame, ſhall not extend to a double Charge upon the Perſon or Perſons ſo paying Toll, and paſſing through any other of the Turnpikes to be erected by virtue of this Act.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by the Sale thereof (as the Caſe may happen) until the Amount of ſuch Toll, and the Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, ſhall be aſcertained by ſome Juſtice of the Peace of the County, Town, or Place, wherein ſuch Diſpute ſhall happen, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized to adminiſter), and ſhall determine the Amount of the Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon, before he ſhall be obliged to return the Diſtreſs or the Overplus after the Sale thereof, or of any Part thereof.

Penalty on Perſons evading Tolls.

XXII. And be it further enacted, That if any Perſon or Perſons whomſoever, owning or occupying any Tenements, Lands, or Grounds, near to the ſaid Road hereby authorized to be repaired, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage, Bridge, or private Way, with any Coach, Chaiſe, Waggon, Cart, Carriage, Horſe, Mare, Gelding, Mule, Ox, Aſs, or any Sort of Cattle whatſoever, whereby the Payment of any of the Tolls or Duties hereby made payable ſhall be evaded; or if any Perſon or Perſons

owning, riding in or driving any Coach, Chariot, Landau, Berlin, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage; or owning, riding on, or driving or leading any Horſe, Mare, Gelding, Aſs, Mule, or other Cattle, ſhall paſs therewith through any ſuch Grounds, Gate, Paſſage, Bridge, or private Way, whereby the Payment of any of the ſaid Tolls or Duties ſhall be evaded; or if any Perſon or Perſons ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or Perſons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage; or having paſſed through any Turnpike, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, with an Intent to evade the ſaid Tolls, or any Part thereof; every Perſon ſo offending in each of the ſaid Caſes, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, one Moiety of which Forfeiture ſhall go to the Informer, and the other Moiety thereof ſhall be applied towards repairing the ſaid Road: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to ſubject to any Penalty any Perſon for paſſing through any Tenements, Lands, or Premiſes, of which he or ſhe ſhall be the Owner or Occupier, notwithſtanding the Tolls may be thereby evaded, nor any of his or her Family or Servants.

Collectors of Tolls competent Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Exemptions from Tolls.

XXIV. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any Road in any Townſhip or Pariſh in which any Part of the ſaid Road lies; or with Hay, Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, to be uſed in the Cultivation of Lands, or any Mould, Dung, Compoſt, Lime, or Manure, to be employed in Huſbandry for manuring or improving Land; or for any Horſes or other Beaſts going to or returning from Plough or Harrow, or to or from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or any Cow going to or returning from milking; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip, on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending

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the Funeral of any Perſon who ſhall die, and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman, going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages of any Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty; or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in conveying any Ordnance or Barrack or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review; provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes, or returning empty after having been ſo employed; or for any Horſe or Horſes, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the ſaid Counties of *Bedford* and *Buckingham*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act: Provided alſo, that no Toll ſhall be demanded or taken at any Turnpike to be erected by virtue of this Act, of or from any of the Inhabitants of the Pariſh of *Chichley* aforeſaid, for their Cattle or Carriages going to or returning from the Town of *Newport Pagnell* aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Penalty on Perſons claiming or taking Benefit of Exemption not being entitled to the ſame.

Inhabitants of Chichley going to or from Newport Pagnell to paſs Toll-free.

XXV. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance or Barrack or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame while ſo employed, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight

any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

Power for Truſtees to take Compoſition Money from any Perſon in lieu of Tolls.

XXVI And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to compound or agree with any of the Inhabitants of any Pariſh wherein the ſaid Road hereby directed to be made lies, by the Year or for a leſs Time, for paſſing through any Turnpike or Turnpikes to be erected by virtue of this Act; provided ſuch Perſon or Perſons ſhall not carry or convey Goods for Hire, and ſhall always pay down the whole of the Compoſition Money agreed on at the Time of making ſuch Agreement; which Compoſition Money ſhall be applied for the Purpoſes of this Act.

Power to leſſen Tolls.

XXVII. Provided always, and be it further enacted, That the ſaid Truſtees, at a Meeting to be held for that Purpoſe, whereof Notice ſhall be given in Writing by the Clerk to the ſaid Truſtees, by affixing the ſame upon all the Turnpike Gates erected by virtue of this Act, at leaſt Twenty-one Days before ſuch Meeting, are hereby authorized and empowered from Time to Time, as they ſhall think proper, to leſſen and reduce all or any Part or Parts of the Tolls and Duties hereby granted and made payable at all or any of the ſaid Turnpike Gates, and to raiſe the ſame again to any Sum not exceeding the Tolls and Duties by this Act granted; and ſuch Tolls and Duties ſo leſſened or reduced, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money ſubſcribed or borrowed on the Credit of this Act ſhall have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſons to whom Five Sixth Parts of ſuch Money and Intereſt thereon ſhall be due.

Tolls may be let.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting, upon Twenty-one Days Notice being affixed on all and every the Turnpike Gates then erected by virtue of this Act, and inſerted in ſome Newſpaper or Newſpapers publiſhed or circulated in the ſaid Counties of *Bedford* and *Buckingham*, from Time to Time, by Writing under their Hands and Seals, to let to farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, upon public Bidding to the higheſt Bidder, at and for the largeſt yearly Sum that can be reaſonably got for the ſame: Provided that the Leaſes, Contracts, or Agreements for the ſame, be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees; but the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls, ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that one monthly Payment of ſuch Rent ſhall always be in advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent to the Satisfaction of the ſaid Truſtees; or in Default thereof, every ſuch Leaſe, Contract, or Agreement, ſhall be null and void, to all Intents and Purpoſes whatſoever.

XXIX. And

Leſſees, or Perſons appointed by them, may collect the Tolls.

XXIX. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, and to uſe all ſuch Means and Methods for the Recovery thereof, in caſe of Non-payment or Evaſion, as the Collectors to be appointed by the ſaid Truſtees under or by virtue of this Act, are by this Act empowered to uſe; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls to be appointed by the ſaid Truſtees is or ſhall by virtue of this Act be ſubject or liable to.

Obtaining Poſſeſſion of Toll Houſes when let to farm.

XXX. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpike or Toll Gates to be erected by virtue of this Act, ſhall at any Time or Times during the Continuance of this Act, be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſes, Contracts, or Agreements for letting the ſame, then and in either of thoſe Caſes, the ſaid Truſtees, or their Clerk, Treaſurer, or Surveyor, or any other Perſon authorized by Writing under their Hands, ſhall be at Liberty and they and he are and is hereby authorized to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Turnpike Gates, and Appurtenances thereunto belonging ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to the ſaid Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any Perſon or Perſons, or cauſe them to be taken and collected, as if no former Leaſe, Contract, or Agreement had been entered into relative thereto.

Truſtees may borrow Money.

XXXI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, at any Meeting or Meetings to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Tolls ariſing or payable by virtue of this Act, ſuch Sum or Sums of Money as they ſhall think proper, and to mortgage the ſaid Tolls, or any Part or Parts thereof, and any of the Turnpike Gates and Toll Houſes for collecting the ſame, (the Coſts and Charges of ſuch Mortgages to be borne and paid out of the ſaid Tolls or Duties), for the Term for which the

ſame are hereby made payable, or for any Part of ſuch Term, as a Security or Securities for any Sum or Sums of Money to be borrowed by the ſaid Truſtees, to ſuch Perſon or Perſons, or to his, her, or their Executors, Adminiſtrators, Aſſigns, Truſtee or Truſtees, who ſhall advance and lend the ſame, to ſecure the Re-payment thereof with ſuch Intereſt as ſhall be agreed upon, not exceeding Five Pounds *per Centum per Annum*; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of as the ſaid Tolls are to be applied and diſpoſed of by virtue hereof, and to no other Uſe or Purpoſe whatſoever; all which Mortgages ſhall be ſigned and ſealed by the ſaid Truſtees, and ſhall be in the Words or to the Effect following; that is to ſay,

Form of Mortgage.

'BY virtue of an Act of Parliament made in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled [*ſet forth the Title of this Act*] we whoſe Names are hereunto ſubſcribed, and Seals affixed (being Truſtees acting in the Execution of the ſaid Act) in Conſideration of the Sum of to the Treaſurer of the ſaid Road, in Hand paid by do hereby grant, bargain, ſell, and demiſe, unto the ſaid Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the Turnpike Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum charged or advanced, or to be charged or advanced on the Credit of the ſaid Act, to be had and holden from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of Five Pounds *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord One thouſand eight hundred.'

Copies of Mortgages to be entered.

And that Copies of all ſuch Mortgages ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject or perſonally make liable any of the ſaid Truſtees, or Perſons appointed to receive the ſaid Monies, or any Part thereof, ſo to be borrowed as aforeſaid, to any Payment of the ſame, by reaſon of their or any of their ſigning any ſuch Mortgage or other Securities to be made in purſuance of this Act, or any or either of them.

Truſtees not to be liable.

Power of Mortgagees to aſſign.

XXXII. And be it further enacted, That all and every the Perſon and Perſons to whom ſuch Mortgage ſhall be made as aforeſaid, or his, her, or their Executors, Adminiſtrators, or Aſſigns, may from Time to Time aſſign or transfer his, her or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Words or to the Effect following; (that is to ſay),

Form of Transfer.

'I, being entitled to the Sum of ſecured to and Aſſigns, by virtue of a Mortgage bearing date the Day of under the Hands and Seals of of the Truſtees acting in Execution of an Act

'Act of Parliament, made in the Fifty-fourth Year of the Reign of His 'Majesty King *George* the Third, intituled [*set forth the Title of this Act*] 'upon the Credit of the said Act, do hereby assign and transfer all my 'Right and Title in and to the same, and all the Principal Money and In-'terest now due and owing thereon, unto 'Executors, Administrators, and Assigns. Dated this 'Day of in the Year of our Lord One thousand eight 'hundred .'

Which Assignment shall be produced or notified to the Clerk to the said Trustees, within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial thereof, containing the Dates, Names, Additions, and Places of Abode of the Parties, and Sums of Money therein transferred in the Book or Books to be kept for entering the said original Mortgages; for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more; and after such Entry made, and not till then, every such Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and to all Monies due and to grow due thereon; and every such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall have made such Assignment respectively, to make void, release, or discharge the original Mortgage, or any Assignment thereof, or any Monies thereby due or to grow due, or any Part thereof; 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, on the Credit whereof such Sum or Sums are advanced, in an equal Degree one with another, and shall have no Preference in respect of any Priority of advancing or lending any such Monies.

Notice of Transfer to be given to the Clerk.

Creditors to be interested equally, and none to have Preference.

XXXIII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of this Act, it shall and may be lawful for them, at any of their Meetings, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or a Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only; any Thing herein contained to the contrary notwithstanding.

For paying Creditors by Lot.

XXXIV. And be it further enacted, That all Monies subscribed or to be subscribed, or which shall arise and be produced by or from the Tolls by this Act granted or made payable, and all Monies which shall be borrowed on the Credit thereof, and also all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be and the same are hereby vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say) In the first place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act; in the next Place, in defraying the Expences of erecting and providing Turnpike Gates, Toll Houses, and other Buildings, and repairing the same; and

Application of Tolls.

of altering, widening, turning, repairing, and improving the ſaid Road hereby authorized to be repaired, and of executing the other Purpoſes of this Act; and, in the laſt place, in reducing, paying off, and diſcharging ſuch principal Sums as aforeſaid; and to no other Uſe or Purpoſe whatſoever.

Subſcribers to pay their Subſcription.

XXXV. And be it further enacted, That the ſeveral and reſpective Perſons who may have ſubſcribed Money for and towards the amending, widening, and repairing the ſaid Road hereby authorized to be repaired, ſhall, and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed, within ſuch Time and Times, and in ſuch Parts and Proportions, as the ſaid Truſtees ſhall order and direct; and the ſame ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees ſhall by any Writing under their Hands authorize to receive the ſame; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, or any Part thereof as aforeſaid, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and all ſuch Monies ſhall be veſted in the ſaid Truſtees for the Purpoſes of this Act.

Truſtees may widen, &c. and complete Road.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to make, repair, widen, turn, and alter (within the Limits herein-after mentioned) the Courſe or Path of any Part or Parts of the Road hereby authorized to be repaired, upon, through, or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame; and alſo in, upon, through, or over any private Lands, Grounds, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premiſes upon, through, or over which the ſaid Road or Alterations hereby authorized to be made is or are intended to be made and paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out ſuch Road or Alterations, and alſo to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road or Alterations; and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds to be made uſe of as a Public Highway whilſt the narrow or ruinous Parts of the Road are widening or repairing, and until the ſaid Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned; ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as diſputed Value of Lands to be purchaſed or uſed by virtue of this Act is herein-after directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove, or deſtroy any of the

Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Plan deposited with the Clerk of the Peace.

XXXVII. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same passes, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace of each of the said Counties of *Bedford* and *Buckingham*; be it therefore further enacted, That the said respective Maps or Plans, and Books of Reference, shall remain with the Clerk of the Peace of each of the said Counties of *Bedford* and *Buckingham*; and all Persons shall at any seasonable Times have Liberty to inspect, peruse, and to examine, and take Extracts from or Copies of the same, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference, after the Rate of Sixpence for every Seventy-two Words; and the said respective Plans or Books of Reference so deposited, or true Copies or Extracts of or from the same, or either of them, signed by any such Clerk of the Peace as aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere, where their Production may be necessary; and the said Trustees acting in the Execution of this Act, in altering or repairing the said Road, shall not deviate more than One hundred Yards from the Line thereof so described in such Maps or Plans and Books of Reference, so deposited as aforesaid, without the Consent in Writing of the Owners or reputed Owners and Occupiers respectively for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation: Provided always, that no Advantage shall be taken of or against the said Trustees acting in the Execution of this Act, or any Interruption be given to the repairing or altering the said Road, on account of any Error or Omission in the said respective Plans or Books of Reference, in case it shall appear to any One or more Justice or Justices of the Peace acting for the County, Town, or Place in which the Parish or Place to which such Error or Omission shall apply shall be situate, and be certified by Writing under his or their Hand or Hands, that such Error or Omission appeared to proceed from Mistake.

Lands taken for Road not to exceed 20 Yards in Breadth.

XXXVIII. And be it further enacted, That the Lands and Grounds (not being Part of any Common or Waste Lands, and except for Toll Houses and Conveniencies thereto) to be taken or used for the said Road, and the Drains, Ditches, and Fences, to separate such Road from the adjoining Lands or Grounds, shall not exceed Twenty Yards in Breadth, measured horizontally.

Not to authorize any Buildings to be pulled down or damaged.

XXXIX. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any other Person or Persons, to take, use, injure, or damage any Dwelling House, or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, Orchard, Planted Walk, or Avenue to a House, without the Consent in Writing of the respective Owners thereof; other than and except such as are mentioned, described, and enumerated in the Map or Plan, and Book of Reference aforesaid.

XL. And

Incapacitated Perſons empowered to ſell Land, &c.

XL. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments ſhall be ſet out and aſcertained by the ſaid Truſtees to be neceſſary for the Purpoſes of this Act; or in caſe the ſaid Truſtees ſhall at any Time or Times think proper to widen, divert, turn, vary, or alter the Courſe of the ſaid Road hereby intended to be repaired, or any Part or Parts thereof, for the better Accommodation of Paſſengers; that then and in either of thoſe Caſes, and as often as it ſhall ſo happen, it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charitable and other Purpoſes, Mortgagees, and their Aſſigns (whether in Poſſeſſion of the Premiſes mortgaged or not) Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and for every other Perſon and Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or otherwiſe intereſted in or entitled unto any Lands, Grounds, Tenements, or Hereditaments which ſhall be ſo ſet out and aſcertained as aforeſaid, or which ſhall be neceſſary to be taken or purchaſed by the ſaid Truſtees for any of the Purpoſes aforeſaid, to contract with the ſaid Truſtees, and to ſell and convey the ſame Lands, Grounds, Tenements, or Hereditaments, with their Appurtenances, and every or any Part or Parts thereof reſpectively, to the ſaid Truſtees and their Succeſſors; and all ſuch Bodies Politic, Corporate, or Collegiate, and other Perſons ſo conveying as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale, as he, ſhe, they, or any of them ſhall make by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of, and ſhall be paid for by the ſaid Truſtees, out of the Monies to ariſe by virtue of this Act.

If the Parties are diſſatisfied a Jury to decide the Matter.

XLI. And be it further enacted, That in caſe any ſuch Price or Value, Damage or Recompence reſpectively, cannot be ſettled, adjuſted, and agreed on, by and between the ſaid Truſtees or their Agents, and ſuch Proprietors of or Perſons intereſted in ſuch Lands, Tenements, or Hereditaments as aforeſaid; or if any ſuch Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons ſo entitled or intereſted as aforeſaid, ſhall refuſe to accept and receive, upon due Tender thereof made, ſuch Purchaſe Money, or ſuch Recompence as ſhall be offered to be paid by the ſaid Truſtees, or ſhall for the Space of Three Calendar Months next after Notice in Writing, given to the Principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or (in caſe ſuch principal Officer or Officers, or other Perſon or Perſons cannot be met with, or his, her, or their Place or Places of Abode cannot be diſcovered) with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments reſpectively, neglect or refuſe to treat, or ſhall not agree with the ſaid Truſtees or their Agents concerning the ſame, or by reaſon of Abſence

ſhall

ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment cannot treat for themſelves, or make ſuch Agreement as may be expedient or neceſſary for the Purpoſes of this Act, or ſhall not, within the Space of Thirty Days, produce and fully diſcloſe the State of the Title to the Lands, Tenements, or Hereditaments, which they are or ſhall be in Poſſeſſion of, or to the Intereſt they claim therein; then and in every ſuch Caſe, the ſaid Truſtees or the ſaid Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons ſo entitled or intereſted as aforeſaid, ſhall be and they are hereby reſpectively empowered and required to make Application to the Sheriff of the County where ſuch Lands, Tenements, or Hereditaments ſhall lie; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be one of the ſaid Truſtees, and ſhall have taken and ſubſcribed the Oath hereby required to be taken and ſubſcribed by every Truſtee before he ſhall be capable of acting in the Execution of this Act, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to one of the Coroners of the ſame County, who ſhall not be ſo intereſted as aforeſaid; and in caſe all the Coroners of the ſame County ſhall be ſo intereſted, then to the laſt unintereſted Perſon who filled the Office of Sheriff of ſuch County, commanding ſuch Sheriff, Coroner, or other Perſon, forthwith to impannel, ſummon, and return a Jury; and the ſaid Sheriff, Coroner, or other Perſon, is hereby accordingly required to impannel, ſummon, and return a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Fourteen nor more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon ſuch Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon ſhall and he is hereby required to return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured to attend that Service (being qualified as aforeſaid) to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Jurymen ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if they and he had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen but ſhall not challenge the Array; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon is hereby empowered and required by a Summons or Notice to be ſigned by him, either previouſly to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before him all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in Queſtion, and to hear and examine ſuch Witneſs and Witneſſes on Oath; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon, ſhall and may order, direct, and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controverſy; and ſuch Jury upon their Oaths, (which Oaths, as well as the Oaths to be adminiſtered to the Perſon or Perſons called on to give Evidence, the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon is hereby empowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain the Sum or Sums of Money, or Recompence or Satisfaction to be paid, made, or rendered, for the Purchaſe

Witneſſes may be ſummoned.

of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon, ſhall give Judgement for ſuch Purchaſe Money, or Recompence ſo to be aſſeſſed by ſuch Jury accordingly; which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Sheriff, Under Sheriff, Coroner or other Perſon taking the ſame, and ſhall be binding and concluſive againſt all Bodies Politic, Corporate, or Collegiate, Mortgagees, Truſtees, Ceſtuique Truſts, and all other Perſons affected thereby, and ſhall not be removed by Certiorari, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court, any Law or Statute to the contrary notwithſtanding; and all and every Perſon and Perſons, who, in any Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any ſuch Jury, or before any Juſtice of the Peace, acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof, ſhall be liable to the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Puniſhment of Perſons guilty of Perjury.

Perſons requeſting a Jury, to enter into a Bond to proſecute before the Sheriff, &c. ſhall iſſue for a Jury.

XLII. And be it further enacted, That all and every Perſon and Perſons making Complaint and requeſting a Jury to be ſummoned, ſhall (before the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon, ſhall iſſue a Warrant for that Purpoſe) enter into a Bond with Two ſufficient Sureties to the Treaſurer of the ſaid Truſtees, in the penal Sum of Five hundred Pounds at the leaſt, with Condition to proſecute ſuch his, her, or their Complaint, and to pay, bear, and diſcharge the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum than had been offered by or on Behalf of the ſaid Truſtees, before the ſummoning or returning the ſaid Jury or Juries, for the purchaſing any Lands or Hereditaments, or as a Compenſation for any Damages; or in caſe no Verdict ſhall be found for Damages, when the whole Diſpute was, whether any Damage was or was not done as aforeſaid.

Notice of Injury to be given before Appeal to a Jury.

XLIII. And be it further enacted, That the ſaid Truſtees ſhall not, nor ſhall any Jury to be ſummoned by virtue of this Act, be allowed to receive or take notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained; unleſs Notice in Writing, ſtating the Particulars of ſuch Injury or Damage, and the Amount of the Compenſation claimed in reſpect thereof, ſhall have been given by or on Behalf of ſuch Perſon or Perſons to the ſaid Truſtees, or to their Treaſurer or Clerk, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Penalty on Sheriffs, Jurymen, or Witneſſes making Default.

XLIV. And be it further enacted, That if the Sheriff, Coroner, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing

appearing ſhall refuſe to be ſworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence, after having been paid or tendered a reaſonable Sum for his, her, or their Attendance, ſhall neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence; every Perſon ſo offending (having no reaſonable Excuſe to be allowed by the ſaid Sheriff, Under Sheriff, Coroner, or other Perſon), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hand and Seal of any One Juſtice of the Peace for the County wherein ſuch Offence ſhall be committed, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering unto him the Overplus, after ſuch Penalty, and the Charges of Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty as ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid and applied to or amongſt the Perſon or Perſons who ſhall appear to the ſaid Juſtices to have been injured or inconvenienced by ſuch Neglect, Refuſal, or Default, in ſuch Way and Manner as the ſaid Juſtices ſhall in their Judgement conſider to be juſt and equitable; and ſuch Penalties as ſhall or may be incurred by and recovered of or from any Sheriff, Coroner, or other Perſon, by reaſon of his having made Default in ſummoning or returning a Jury, or taking the Verdict of ſuch Jury, in purſuance of any Warrant to be iſſued for that Purpoſe, or by any ſuch Juryman, in conſequence of his neglecting to obey ſuch Summons, or having appeared, refuſing to be ſworn or return a Verdict, ſhall be applied in ſuch Manner and for ſuch Purpoſes as the ſaid Juſtices ſhall order and direct.

Application of Penalties.

XLV. And be it further enacted, That the ſaid Jury ſhall award all Determinations, Judgements, and Verdicts which they ſhall make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands and other Hereditaments, ſeparately and diſtinctly from the Conſideration of any other Damages ſuſtained or to be ſuſtained by any Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Determination of Jury, &c. reſpecting Damages to be diſtinct from the Value of Lands.

XLVI. And be it further enacted, That in each and every Caſe where a Verdict ſhall be given for more Money, for the Purchaſe of any Lands or Hereditaments, to any Perſon or Perſons whomſoever, or as a Compenſation for any Injury or Damages done or to be done to ſuch Lands or other Hereditaments or Property, than had previouſly been offered or tendered by or on Behalf of the ſaid Truſtees, before the ſummoning of ſuch Jury; or where a Verdict ſhall be found for any Damages, if the Diſpute be for Damages only, and in caſe no Compenſation had been previouſly offered or tendered in reſpect thereof, by or on Behalf of the ſaid Truſtees; or where by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at hand who may be legally, by virtue of the Powers of this Act or otherwiſe, capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from the ſaid Truſtees as herein-before mentioned; then

How the Expences of the Jury and Witneſſes are to be paid.

and in all such Cases the Costs and Expences incurred in summoning such Jury and taking such Inquest shall be settled by the said Sheriff, Under Sheriff, or Coroner, and defrayed by the said Trustees; but if a Verdict be given for the same, or a less Sum or Compensation than had been previously offered or tendered by or on Behalf of the said Trustees, or a Verdict found for the same, or in case no Damages shall be adjudged, assessed, or given, if the Dispute be for Damages only; or in case of a Refusal or Neglect to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Trustees by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid; then and in all such Cases, (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, Under Sheriff, or Coroner, and be borne or paid by the Person or Persons with whom the said Trustees shall have had such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Monies so assessed or adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed or adjudged, in case such Costs and Expences shall not exceed the Amount thereof; but if such Costs and Expences shall happen to exceed the same, then the Balance may be sued for and recovered by the said Trustees against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and in all Cases where the Owners cannot be found, or by reason of Absence are prevented from treating, such Costs and Expences shall be paid by the said Trustees out of the Monies to arise by virtue of this Act.

Verdicts of Jury to be recorded.

XLVII. And be it further enacted, That all Verdicts of Juries and Judgements thereon by virtue of this Act, shall be signed by the Sheriff, Under Sheriff, Coroner, or other Person hereby authorized to take the same, and shall be transmitted to and kept by the Clerk of the Peace, or other Person having the Custody of the Records of the Quarter Sessions of the County wherein such Verdict shall be made or taken, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good and sufficient Evidence in all Courts whatever; and all Persons shall have Liberty to inspect the same, paying for such Inspection One Shilling, and to have Copies thereof, paying for every Copy after the Rate of Sixpence for every Seventy-two Words therein contained.

Lands, &c. to vest in Trustees, on Payment of Pur-

XLVIII. And be it further enacted, That on Payment or legal Tender of such Sum or Sums of Money as shall have been contracted and agreed between the Parties, or assessed by such Jury in Manner aforesaid, for the Purchase

Purchaſe of any Lands, Tenements, or other Hereditaments, or as a Recompence or Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements, or other Hereditaments, or to ſuch other Perſon or Perſons as ſhall appear to be intereſted therein, or entitled to receive ſuch Money Compenſation reſpectively, after the ſame ſhall have been actually ſo agreed for, determined, or aſſeſſed, or on paying or depoſiting ſuch Sum or Sums of Money into the Bank of *England*, in Manner as by this Act is directed, (as the Caſe may be,) all Parties and Perſons whomſoever ſhall be from thenceforth diveſted of all Right and Title to ſuch Lands, Tenements, or other Hereditaments; and ſuch Payment or Tender ſhall not only bar all the Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, of the Perſon or Perſons to whoſe Uſe the ſame ſhall be or ought to have been made or granted, but ſhall alſo extend to and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon; and all Eſtates Tail, and all other Eſtates in Reverſion or Remainder of his, her, or their Iſſue, and of every other Perſon whomſoever therein; and after Ten Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes become and be deemed a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be repaired; and after ſuch new Road ſhall be formed and completed, then the Land (not being Common or Waſte Land) compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired, (unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead,) or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees and enrolled with the Clerk of the Peace for the County wherein ſuch Land ſhall lie, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made, (except over and through any Common Field, Land, or Common or Waſte Ground, or where the old Road ſhall be widened,) in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees ſhall, and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an huſbandlike Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences for and during the Term of Seven Years from the firſt making thereof.

Purchaſe Money or Compenſation for Damages.

Truſtees to fence off the new Road.

XLIX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed,

First Offer to whom to be made.

purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Land ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree, (except with reſpect to or on account of the Price thereof,) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before any One of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall lie, (who are hereby reſpectively empowered to take ſuch Affidavit,) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made, (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County next after ſuch Difference ſhall ariſe; and on Ten Days clear Notice thereof, to be given by the ſaid Truſtees or any Five or more of them to ſuch Owner or Owners, Occupier or Occupiers, by leaving ſuch Notice at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining of the ſame; whoſe Judgement and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees, of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Juſtices may determine Differences.

Application of Compenſation Money when amounting to 200*l.*

L. And be it further enacted, That all Sums of Money to be paid to any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or Truſtees for or on Behalf of any Infants, Lunatics, Idiots, Femes Covert or Ceſtuique Truſt, or to any other Perſon or Perſons whomſoever, whoſe Lands or Eſtates are limited in ſtrict or other Settlement; or to any other Perſon under any other Diſability, for the Purchaſe of or by way of Compenſation for Damage done or to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, ſhall be paid and applied in Manner following; (that is to ſay,) in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds the ſame ſhall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents

Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting, undetermined, and capable of taking effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and not leſs than 20l.

LI. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Body Politic, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in manner herein-before directed; or otherwiſe, the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery.

LII. Provided

Where less than 20l.

LII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person and Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Trustees shall direct the same to be paid, shall be sufficient Discharges for the same.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

LIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money, it shall be paid to the Person who shall be in Possession of the Land, &c.

LIV. Provided always, and be it further enacted, That where any Question shall arise concerning the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or

Interest

Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of any ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of ſuch Bank Annuities ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

LV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials.

LVI. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road hereby authorized to be repaired, or ſuch Perſon or Perſons as he or they or the ſaid Truſtees ſhall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Road, out of or from any Common River or Brook, Waſte or Common Ground, in any Pariſh or Place wherein the ſaid Road or any Part thereof lieth, or in any adjoining Pariſh or Place, without paying any Thing for the ſame; ſuch Surveyor or Surveyors, or other Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if there ſhall not be a ſufficient Quantity of ſuch Materials in ſuch Common River, Brook, Common or Waſte Ground, it ſhall and may be lawful for the ſaid Surveyor or Surveyors, or other Perſons as aforeſaid (ſuch Surveyor or Surveyors firſt having an Order of the ſaid Truſtees for that Purpoſe), to ſearch for, dig, gather, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons whomſoever, in any Pariſh, Hamlet, Townſhip, or Place, in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh or Place where the ſame may be had or found (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Nurſery, or Planted Walk or Avenue to a Houſe), making or tendering ſuch Satisfaction for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which any Materials for repairing the ſaid Road ſhall be carried, as

shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any one or more Justice or Justices of the Peace of the County where such Materials shall be so dug, gathered, and taken away, shall and may adjudge and determine to be reasonable; which Judgment or Order of such Justice or Justices therein shall be final and conclusive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken.

LVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before any One or more Justice or Justices of the Peace of the County, Town, or Place wherein such Materials are intended to be taken, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall (if he or they shall think proper) authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath he or they is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his or her Agent had attended.

Penalty on taking away Materials got by Order of the Surveyor.

LVIII. And be it further enacted, That if any Person or Persons whomsoever shall take away any Gravel or Materials which shall have been dug or gathered in any Lands, Fields, Waste or Grounds, River or Brook, by virtue or for the Purposes of this Act, or shall get or take away any Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any Private Lands, Fields, or Grounds, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

For removing Annoyances.

LIX. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, in Writing under their Hands) from Time to Time to remove and prevent all Encroachments, Nuisances, and Annoyances, on or in any Part of the said Road, by Timber, Wood, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, to the Prejudice thereof;

thereof; and to open, ſcour, cleanſe, widen, and make deeper any Watercourſes or Ditches adjoining or near thereto, and make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary, and to cut down, lop, or top, at proper Seaſons of the Year, any Trees, Branches, Shrubs, or Buſhes growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame, in caſe the Owners and Occupiers of the Premiſes reſpectively ſhall neglect to remove ſuch Encroachments, Nuiſances, and Annoyances, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or to cut, lop, top, or take away any ſuch Trees, Branches, Shrubs, or Buſhes, for the Space of Four Days next after Notice in Writing given for that Purpoſe, under the Hand of the ſaid Surveyor or Surveyors or of the ſaid Truſtees, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners, and ſhall be recovered in ſuch Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if after the Removal of any of the ſaid Encroachments, Nuiſances, or Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon or Perſons ſhall for every ſuch ſubſequent Offence forfeit and pay unto the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, any Sum not exceeding Forty Shillings, which Penalty, and alſo the before-mentioned Charges, if not paid on Demand, ſhall be recovered and levied in Manner herein-after directed.

For making Cauſeways, Bridges, &c.

LX. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid Road hereby authorized to be made, or ſuch Perſon or Perſons as he or they ſhall appoint or employ, by Order of the ſaid Truſtees, to make or cauſe to be made Cauſeways, alſo covered or open Drains and Ditches, in and upon or on the Side or Sides of the ſaid Road, and alſo through any Grounds lying contiguous to the ſaid Road, and to ſcour ſuch Drains and Ditches ſo as effectually to carry off the Water from any Part of the ſaid Road, and to make and erect Arches or Bridges of Brick, Timber, or Stone upon the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, and to repair and keep the ſame repaired; and alſo to cauſe Ditches or Trenches to be made in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, ſhall judge neceſſary for the better making, amending, and keeping the ſaid Road in good Repair; and if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage any ſuch Cauſeway, Bridge, Arch, Wall, or Drain, or ſhall ride on or drive or lead any Horſe, Beaſt, Cattle, or Carriage over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Road; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways, or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing a Plough upon any Part of the ſaid Road, to the Prejudice thereof; or if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a wheeled Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed on any Wheel Carriage, to drag upon any Part of ſuch

Penalty for damaging Cauſeways, Roads, &c.

Road

Road to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing, which ſhall be or lie upon any Part of the ſaid Road, with any Inſtrument, ſo as to damage the ſaid Road, or any Part thereof; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe to be allowed by the Juſtice before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his Conviction; and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of the ſaid Road as conveniently may be) in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto; or ſhall lay any Timber, Wood, or Buſhes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Perſon or Perſons travelling thereon; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay, over and above the Amount of the Damages thereby occaſioned, any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Gates not to ſwing into the Road.

LXI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the ſaid Road, hereby authorized to be repaired, ſhall be made and hung to open and ſwing inwards towards ſuch Field or Ground, and not towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees to order all ſuch Gates as are now erected or may hereafter be erected, and open and ſwing outwards towards the ſaid Road, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Land upon which any Gate or Gates is, or are, or ſhall be conſtructed, ſo as to open and ſwing outwards towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alterations, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Scouring Ditches.

LXII. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or left at his, her, or their reſpective Place or Places of Abode, by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons who of Right ought to have done the ſame, ſhall not repay the Money ſo paid by ſuch Surveyor or Surveyors on Demand thereof, upon him, her, or them reſpectively made, either in Perſon or by Writing, to be left at his, her, or their reſpective Place or Places of Abode, it ſhall and may be lawful for ſuch Surveyor or Surveyors,

Surveyors, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace of the County, Town, or Place wherein ſuch Ditches, Drains, or Watercourſes ſhall lie, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any) be unto the Owner or Owners thereof, upon Demand, after all Charges paid.

Road to be meaſured, and Mile Stones erected.

LXIII. And be it further enacted, That the ſaid Truſtees ſhall and may and they are hereby required and empowered to 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 each from the other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts, as to the ſaid Truſtees ſhall ſeem meet; and if any Perſon ſhall wilfully or maliciouſly damage, break, or pull up any of the Stones or Poſts, which ſhall be erected and ſet up upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of one or more credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace for the County, Town, or Place, wherein any ſuch Stone or Poſt ſo damaged, broken, pulled up, or defaced, ſhall be (which ſaid Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter), every ſuch Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall reſpectively forfeit and pay, over and above the Amount of Damages occaſioned, any Sum not exceeding Five Pounds for every ſuch Offence, to be levied and recovered in ſuch Manner as Penalties and Forfeitures are hereby directed to be levied and recovered; One Moiety of ſuch Forfeitures to be paid to and for the Uſe of the Informer, and the Reſidue thereof to be applied for the Purpoſes of this Act; and in caſe ſuch Perſon or Perſons ſo offending and convicted ſhall not be able or ſhall refuſe to pay the ſame, then it ſhall and may be lawful for any one or more of ſuch Juſtices by Warrant under his or their Hand and Seal, or Hands and Seals, to commit the Perſon or Perſons ſo offending to any Houſe of Correction in ſuch County, Town, or Place, to be there kept and detained for any Time not exceeding Three Calendar Months, or until he, ſhe, or they ſhall have fully paid the Money, which he, ſhe, or they ſhall forfeit, or be liable to pay on ſuch Conviction as aforeſaid.

Statute Work.

Juſtices may determine Differences touching Statute Work.

LXIV. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road hereby authorized to be repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective

Parishes or Places in which the said Road lieth; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Works as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, (distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid); which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of

the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute Work may be compounded for.

LXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Road, or any Part thereof; and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of or in all or any the Pariſhes or Places in which the ſaid Road is ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding to the Treaſurer to the ſaid Truſtees in advance, on or before the Twenty-fifth Day of *March* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may contract for Repairs and other Works.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to contract and agree with any Perſon or Perſons for the making, amending, widening, altering, improving, or repairing the ſaid Road hereby authorized to be repaired, or any Part or Parts thereof, or for doing all or any other Work in purſuance or in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts and Agreements in Writing, entered into purſuant to an Order made at any Meeting of the ſaid Truſtees, ſhall be binding on the ſaid Truſtees and other Parties who ſhall ſign the ſame, his, her, or their Succeſſors, Executors, and Adminiſtrators reſpectively; and that an Action or Suit, Actions or Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

Perſons liable to repair, to continue ſo.

LXVII. Provided nevertheleſs, and be it further enacted, That all and every Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Truſtees, or any other Perſon or Perſons who now are, or at any Time have been liable or chargeable towards repairing any Bridge or Bridges, built acroſs or adjoining to the ſaid Road hereby authorized to be repaired, or any Part thereof, ſhall ſtill remain liable and chargeable to ſuch Repairs, in ſuch Manner as they, he, or ſhe would have been if this Act had not been paſſed; and in caſe any Lands, Tenements, or Hereditaments, or any Rents or Profits iſſuing out of any Lands, Tenements, or Hereditaments, now are or ſhall hereafter be liable and chargeable towards the amending any Part or Parts of the ſaid Road, ſuch Lands, Tenements, Hereditaments, Rents, and Profits, ſhall ſtill remain ſo liable and chargeable, and the Poſſeſſors and Occupiers thereof are hereby required and directed to

pay

pay ſuch Rents and Profits, as ought to be applied towards the Repairs of the ſaid Road, to the ſaid Truſtees or their Treaſurer, and upon Default of Payment thereof, the ſame ſhall or may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences againſt this Act are herein-after directed to be levied and recovered: Provided always, that in caſe the ancient or former Way over any Common or Waſte Ground, ſhall by virtue or in purſuance of this Act be turned or diverted, the Inhabitants of the Townſhip, Hamlet, or Pariſh, wherein ſuch old or former Road ſhall lie, ſhall not be obliged to repair ſuch old or former Road, unleſs the ſame leads to ſome Village, Town, or Place, with which the new Road doth not communicate.

Penalty on Perſons obſtructing Surveyor in his Duty.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder, or cauſe to be interrupted or hindered, any Surveyor, or any other Perſon or Perſons by him or by the ſaid Truſtees employed in the cutting, digging, gathering, getting, or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the ſaid Road; or topping, lopping, or cutting any Tree, Lop, Top, or Overhangings, or in digging, cleanſing, or ſcouring any new or other Ditch, Drain, or Watercourſe as aforeſaid, or in doing any other Act in the Execution of this Act, by virtue of the Powers hereby given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Collectors miſbehaving.

LXIX. And, in order to prevent Miſconduct of the Perſons employed as Collectors of the ſaid Tolls, be it further enacted, That every Perſon employed to collect any of the Tolls hereby granted and made payable, ſhall affix his Chriſtian and Surname on a Board, on ſome conſpicuous Part of the Toll Houſe at which he ſhall be appointed to collect the ſaid Tolls, on each and every Day that he ſhall continue in ſuch Collection, under the Penalty of forfeiting and paying any Sum not exceeding Five Pounds for every Neglect thereof; and if any ſuch Collector ſhall wilfully misbehave himſelf in the Collection of the ſaid Tolls, or ſhall make uſe of any opprobrious or abuſive Language to any Perſon or Perſons paſſing or claiming to paſs through any Turnpike Gate to be erected by virtue of this Act, and ſhall be thereof convicted on his own Confeſſion, or on the Oath of any credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace of the County, Town, or Place, wherein ſuch Offence ſhall be committed, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in default of Payment thereof, ſhall and may be committed to any Houſe of Correction within the ſame County, Town, or Place, for any Term not exceeding Three Months.

Power to Collectors, &c. to detain unknown Perſons guilty of Offences.

LXX. And be it further enacted, That it ſhall be lawful for any of the ſaid Truſtees, or any Collector, Surveyor, or other Officer reſpectively, to be appointed by the ſaid Truſtees, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, to ſeize and detain any Perſon or Perſons guilty of any Offence or Offences againſt this Act (although ſuch Perſons may be tranſient Perſons, or unknown to ſuch Truſtees, Collector, Surveyor, or other Officer) and forthwith to convey him, her, or them before any Juſtice or Juſtices of the Peace of the County, Town, or Place

Place where any ſuch Offence or Offences ſhall be committed, without any further Warrant or Authority than this Act for ſo doing; and ſuch Juſtice or Juſtices ſhall, and is and are hereby required to proceed and act with reſpect to ſuch Offender or Offenders, according to Law or the Proviſions of this Act.

Recovery and Application of Penalties or Forfeitures.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed, or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe directed), ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of the Juſtices of the Peace of the County, Town, or Place wherein ſuch Diſtreſs is intended to be made; which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to grant, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath any ſuch Juſtice or Juſtices is and are hereby required and empowered to adminiſter); and the Overplus (if any) after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Monies ariſing by ſuch Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Road hereby authorized to be repaired; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to any Houſe of Correction within his Juriſdiction, there to remain without Bail or Mainprize for any Time not exceeding Six Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Truſtees may act as Juſtices, except where perſonally intereſted.

LXXII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, may in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be individually intereſted.

LXXIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtices and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

'{Name the County, Town, or Place, (to wit.)} BE it remembered, That on the Day of in the Year of our Lord One thouſand eight hundred and *A. B.* is convicted before me [*or*, us] of His Majeſty's Juſtices of the Peace for the [*name the County, Town, or Place, as the Caſe may be, ſpecifying*

'*ſpecifying the Offence, and the Time and Place when and where the ſame* '*was committed, as the Caſe may be*]. Given under my Hand and Seal '[*or*, our Hands and Seals] the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form, or removable by Certiorari.

LXXIV. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceedings made, touching or concerning any of the Matters in this Act contained, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding; and that where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant, or Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any ſuch Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made, for or on the Behalf of the Party diſtraining, before ſuch Action brought.

Diſtreſs not unlawful for want of Form.

Perſons aggrieved may appeal.

LXXV. Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County in which ſuch ſuppoſed Grievance ſhall have ariſen or happened, and within Three Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving Ten Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk of the ſaid Truſtees, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County conditioned to try ſuch Appeal at and abide by the Order of, and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given, and ſuch Recognizance entered into, ſhall hear and determine the Cauſes and Matters of Complaint, in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the ſaid Juſtices may, if they ſee cauſe, mitigate at their Diſcretion any Penalty, Forfeiture, or Fine, or may vacate or ſet aſide the Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, or may order ſuch further Satisfaction to be made to any Party injured, as they ſhall judge reaſonable, and to make ſuch Orders and Judgments in regard to the Premiſes as they ſhall think right and proper; and the Determination of ſuch Seſſions ſhall be binding and concluſive on all Parties, to all Intents and Purpoſes; and the ſaid Juſtices may alſo at ſuch Seſſions, by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods

and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to any Houſe of Correction within the ſaid County, for any Time not exceeding the Term of Six Months, or until Payment of ſuch Coſts.

Limitation of Actions.

LXXVI. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the ſuppoſed Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, 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 it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall not be commenced within the Time before limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place, then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment 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 other Caſes by Law.

Public Act.

LXXVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Continuance of Act.

LXXVIII. And be it further enacted, That this Act ſhall commence on the paſſing thereof, and ſhall continue in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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