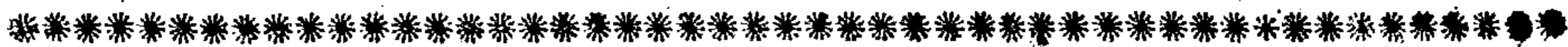


ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.



Cap. xxxii.

An Act for repairing and widening the Road from the Town of *Rugby*, in the County of *Warwick*, to the Borough of *Warwick*, in the same County.

[8th *May* 1818.]

WHEREAS the Roads leading from the Toll-Gate at the South-West End of the Town of *Rugby*, in the County of *Warwick*, through the Parishes of *Rugby*, *Bilton*, and the Hamlets of *Cawston* and *Thurlaston*, in the Parish of *Dunchurch*, to the Turnpike Road leading from *Dunchurch* to the City of *Coventry*, and from the said Turnpike Road at or near a certain Dwelling-House heretofore known by the Name of the *Blue Boar*, and now or late the Residence of *John Bagshaw* Gentleman, through the Parishes of *Bourton-upon-Dunsmore*, *Frankton*, and *Princethorpe*, in the said County of *Warwick*, to the Turnpike Road leading from *Southam* to the said City of *Coventry*, and from the said Turnpike Road at or near the Town or Village of *Princethorpe* aforesaid, through the Parishes of *Princethorpe*, *Wappenbury*, *Weston*, *Cubbington*, *Lillington*, and *Milverton*, to the North End of the Town of *Warwick*, are in a bad Condition, and unfit for Carriages and Passengers passing thereon, and cannot be effectually repaired and kept in good Condition by the ordinary Methods prescribed by Law; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable Sir *Charles Grey*, K.C.B., Sir *Charles Mordaunt*, Sir *Gray Skipwith*, Sir *Theophilus Bid-*

Trustees.

[Local.]

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dulph;

dulph, and Sir *Egerton Leigh*, Baronets, the Honourable *John B. Simpson*, the Reverend *Thomas Rowland Berkley*, the Reverend *John Wooll*, the Reverend *Richard Rouse Bloxam*, Doctors in Divinity, the Reverend *Robert Marriott*, the Reverend *John Marriott*, the Reverend *John Thomas Parker*, the Reverend *William Podmore*, the Reverend *John Wise*, the Reverend *Henry Wise*, the Reverend *William Birch*, the Reverend *Philip Homer*, the Reverend *George Loggin*, the Reverend *William Chambers*, and the Reverend *Edward Evans*, Clerks, *Charles Mills*, *Dugdale Stratford Dugdale*, *Abraham Grimes*, *Wriotthesley Digby*, *William Holbeech*, *Gore Townsend*, *John Ward*, *John Caldecott*, *Abraham Caldecott*, *Henry Cadwalladar Adams*, *George Henry Arnold*, *William Chambers*, *Abraham Hume*, *Henry Hoyle Oddie*, *George Wharton Marriott*, *John Shuckburgh*, *Edward Vernon*, *Richard Tawney*, *George Harris*, *Thomas Walker*, *Thomas Townsend*, *Thomas Benn*, *William Butlin*, *Thomas Wall*, *Phillip Williams Senior*, *Charles Butlin*, and *Thomas Voile*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, and maintaining the said Roads, and for otherwise putting this Act in Execution.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting, and of the Purpose thereof Notice shall be given in the Manner hereinafter directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed, and such Trustees being qualified as hereby directed, so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been nominated and appointed in and by this Act.

Power for choosing new Trustees on Vacancies.

III. And be it further enacted, That in case any of the Trustees named in or to be appointed by virtue of this Act, shall die, or by Writing under his Hand, delivered to the Clerk to the said Trustees, refuse or decline to act, it shall be lawful for any Five or more of the surviving Trustees, by Writing under their Hands, at any Meeting (whereof at least Ten Days' Notice shall have been given, upon all the Toll-Gates erected, or to be erected, on the said Roads), to nominate and appoint some other Person to be a Trustee, in the Room of such Person so dying or refusing to act as aforesaid; and every Person so nominated and appointed (being qualified as herein mentioned) shall have the like Power and Authority to act as a Trustee, in the Execution of this Act, as the Person in whose Stead he shall be appointed, was vested with.

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate of the clear Yearly Value of Two hundred Pounds, or be possessed of or entitled to the Personal Estate alone, or Real and Personal Estate together, of the

the Amount or Value of One thousand Pounds, nor except in administering the Oath following, until he (not being such Heir Apparent) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say,)

‘ I do swear, That I truly and *bonâ fide* am in my own Right, (or in the Right of my Wife, as the Case may be,) in the actual Possession and Enjoyment (or Receipt of the Rents and Profits) of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Fifty Pounds, or possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds.
‘ So help me GOD.’

Oath.

And if any Person hereby deemed incapable to act shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt, or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is 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 hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall hold any Place of Profit, or concerned or interested in any Contract or Contracts under this Act, or in any Case where he shall be personally interested.

Penalty on Persons acting if not qualified.

No interested Trustee to act.

V. Provided always, and be it further enacted, That all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Validating Acts of unqualified Trustees before Conviction.

VI. Provided always, and be it enacted, That no Person or Persons, who shall keep any Victualling-House, or other House of public Entertainment; or who shall sell any Wine, Cyder, Beer, Ale, spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee; or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees; or of collecting the Tolls hereby granted and made payable; and to be collected on the said Roads during such Time as he, she, or they shall keep such Victualling-House, Ale-House, or other House of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming or renting such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Victuallers incapable of acting.

VII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and 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 personally interested; and that any

Trustees may act as Justices except where interested.

Mortgagee or Assignee

may act as
Trustee.

Mortgagée or Assignee of any Mortgage or other Security, upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Trustees may
sue, &c. in
the Name of
the Treasurer
or Clerk.

VIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant, (as the Case may be,) in every such Action.

Treasurer to
be reimbursed
Expences.

IX. Provided always, That every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant, as aforesaid.

Clerk not to
be Treasurer,
and vice versa.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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 Effoign, Protection, or Wager of Law, nor more than one Impar lance shall be allowed.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on Account of the said Road, and of the several Articles, Matters, and Things, for which any Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any
Creditor

Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk, who shall have the Care and Custody of the said Book or Books, shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the said Act directed.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Spread Eagle Inn* in *Rugby*, in the said County of *Warwick*, on the Second *Tuesday* next after the passing of this Act, between the Hours of Ten in the Forenoon, and Two in the Afternoon, or as soon after as convenient, and shall then and there proceed in the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place on or near the said Road, as the said Trustees, or any Five or more of them, shall think proper, and appoint, as often as it shall be necessary, for putting this Act in Execution; provided always, that Three Trustees shall be sufficient for the Purpose of Adjournment only, and that in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the Trustees for putting this Act into Execution, either then to act or to adjourn to another Time, or in case the Trustees, at any Time assembled, shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing, to be fixed on all the Toll-Gates upon the said Road, or inserted in some Newspaper, published or circulated in the County of *Warwick*, at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was to have been held on such future Day as shall be specified in such Notice, not exceeding One Calendar Month after the Day on which such last-mentioned Meeting was held, or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Two of the Trustees, (although not assembled at a Meeting,) at any Time or Times, after such Refusal, Neglect, or Prevention, respectively, as aforesaid, to cause a Notice in Writing to be signed by their Clerk for the Time being, to be affixed or inserted in Manner aforesaid, to appoint the Trustees to meet at such Time and Place upon or near the said Road, as they shall think proper, not exceeding Twenty-one Days, nor being less than Six Days from the Time of affixing or inserting such last-mentioned Notice.

Trustees first Meeting.

Power to adjourn.

XIII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by Five or more of them, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, in the Manner before directed, and

Meeting on Emergencies.

[Local.]

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of the Time and Place, which shall be mentioned in such Order (such Time not being less than Three Days after such Notice), and such earlier Meeting shall and may be held for the Purpose only for which such Meeting shall have been called, and all the Proceedings of the Trustees, at all such Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the Trustees shall at all Meetings defray their own Expences, and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except in such Cases as are hereby otherwise particularly mentioned); and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein.

How Orders
of Trustees
to be revoked.

XIV. Provided always, and be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Seven Trustees at least shall be then present, and Five or more of them shall concur therein.

Proceedings
to be entered
in a Book.

XV. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, which said Book or Books, and also the Books hereinafter mentioned and directed to be kept for registering the Mortgages and Assignments of Tolls hereby intended to be granted, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Trustees to
appoint Officers

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall be due and payable by virtue of this Act, and take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his and their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary or proper, to be employed in the Execution of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed or continued, for, and in Consideration of the Care and Pains respectively taken, in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and all such Officers and Persons shall from Time to Time,
when

Officers to
account,

when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall 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 paid, collected, or received, and how, and to whom, and for what Purpose, the same and every Part thereof have been disposed of, together with the Vouchers and Receipts for such Payments, and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Fourteen Days after being thereunto required, by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, or Writings in their Custody or Power, relating to the Execution of this Act, then and in every such Case Complaint being made by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice may and he is hereby authorized and required, by any Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him; and upon his and their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice, that any of the Monies which shall have been 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 empowered, upon Nonpayment 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 can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice, at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice, the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then, and in any or either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand

or to be punished.

and

and Seal, to commit such Officer or Officers, Person or Persons, to the Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all 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 have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make,) and until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; provided always, that no Person, who shall be committed for want of a sufficient Distress, shall be detained in Prison by virtue of this Act, for any longer Time than Six Calendar Months.

Trustees may
appoint tem-
porary Col-
lectors.

XVII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting, or being incapable of performing his Duty, or absconding, or absenting himself, and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be Collector of the said Tolls, to continue until the next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall die, or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll-House, or Building erected on the said Road, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, although not assembled at any Meeting, or by their Clerk or Clerks, or Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace, for the County in which such Toll-House, Building, and Appurtenances shall be situated, by Warrant under his and their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

XVIII. And

XVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, as they shall think proper, erect and set up, or cause to be erected and set up, any Toll-Gate or Toll-Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads, by this Act directed to be made and repaired, and upon the Sides thereof, and also across any Lane, Common, or Way, leading into or out of the same, and may also erect or provide a Toll-House, with suitable Outbuildings and Conveniences, at or near each Toll-Gate; and may from Time to Time afterwards remove, alter, or discontinue the Toll-Gates or Toll-Houses, or any of them, as they the said Trustees, or any Seven or more of them, shall think expedient; and may also take in and inclose, from the said Road, or any Part thereof, convenient Garden Spots for each of the said Toll-Houses, not exceeding One-eighth Part of an Acre, as the said Trustees, or any Five or more of them, shall direct and appoint; and that the respective Tolls following shall be demanded and taken, at each and every such Toll-Gates, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize or appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same; (that is to say,)

Power to erect Toll-Gates, Side-Gates, and Toll-Houses.

For every Horse or other Beast drawing any Coach, Berlin, Chariot, Landau, Hearse, Curricule, Calash, Chaise, Chair, Caravan, or other such Carriage, the Sum of Sixpence. Tolls.

For every Carriage, fixed in any Manner to any Waggon, Wain, Dray, Cart, or other Carriage, the Sum of Nine-pence.

For every Dray, so constructed as that the Distance between the Axle-trees thereof shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence over and above the Toll payable for each of the Horses or Beasts of Draught drawing the same.

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, the Sum of Sixpence.

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in Proportion for any less Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Nine-pence *per* Score, and so in Proportion for any less Number.

And that on every *Sunday* during the Continuance of this Act, there shall (under the Provisions and Restrictions aforesaid) be demanded and taken at the said Toll-Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same, One-half the said respective Tolls in addition to the Tolls hereinbefore granted, except for such Horses or Beasts, as shall be employed solely for the Purpose of carrying or conveying Milk. Tolls to be taken on Sundays.

XIX. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person subject to the Payment of any of the

Manner of Recovery.

[Local.]

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said

said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls by himself or themselves, or taking such Assistance as he or they should think necessary, to seize or distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, together with their Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast,) or any Carriage in respect of the Horses or Beasts drawing, on which Carriage such Toll is by this Act imposed, and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Two Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Horses, Beasts, Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unpaid upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

No Gate to be erected nearer Warwick than the Lillington Road.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to erect and set up, or cause to be erected and set up, any Toll-Gate or Toll-Gates, Bar or Bars, Chain or Chains, or to receive or collect any Tolls in, upon, or across any Part or Parts of the said Roads by this Act directed to be made and repaired, or upon the Sides thereof nearer to the Borough of *Warwick* aforesaid than the Place where the Public Carriage-Road leading from the Village of *Lillington* to the said Borough of *Warwick* now enters upon, or shall at any Time hereafter enter upon the Public Carriage-Road now leading from the Village of *Leamington* to the Village of *Kenilworth*, or to erect any Toll-Gate, or take any Toll upon the Road leading from *Leamington* to *Kenilworth* aforesaid.

Power to lower the Tolls.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First Meeting, or at any subsequent Meeting to be holden for that Purpose, of which subsequent Meeting at least Twenty-one Days' Notice shall be given in Writing, affixed on all the Toll-Gates erected on the said Road, may, and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite or expedient to lessen and reduce, and again to raise and advance the Tolls hereby authorized to be taken, or any Part or Parts thereof; and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so that the respective Tolls so advanced never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted be never lessened, until the Money borrowed on the Credit thereof, together with the Interest, be repaid, except the Person or Persons entitled to Five-sixths Parts of such Money consent thereto; and such Tolls so reduced, and every of them, shall be collected, recovered, and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

Tolls to be paid but once a Day.

XXII. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken, for the passing of any Horse, Cattle, Beast, or Carriage, through any of the Toll-Gates, to be erected by virtue of

of this Act, such Person shall, upon producing a Note or Ticket, denoting the Payment thereof on that Day, at the same Toll-Gate, (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis* on Demand, to every Person paying the same, and which Ticket shall specify the several and respective Gates freed by such Payment,) be permitted to pass Toll-free, with the same Horse, Cattle, Beast, or Carriage, through the same Toll-Gate, at any Time during the same Day, to be computed as aforesaid.

XXIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, Carriage, or Thing, through all the Toll-Gates erected or to be erected on the said Road, on the same Day (such Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night.)

Only Two full Tolls to be taken.

XXIV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls due and of the Charges of the Distress and Sale, or of keeping the Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County, Liberty, or Place, where such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Disputes concerning the Toll to be settled by a Justice.

XXV. And be it further enacted, That all and every Toll-Collector appointed either by the said Trustees, or by any Lessee or Lessees under them; to collect the Tolls payable at any Turnpike or Toll-Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front, or on some other conspicuous Part of the Toll-House or Toll-Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in white Letters on a black Ground, or black Letters on a white Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any wise hinder any Person or Persons from reading such Christian or Surname,

Toll Collectors to put up their Names.

or

or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Lessees of
Tolls respon-
sible for Per-
sons employ-
ed by him.

XXVI. And be it further enacted, That the Lessee or Hirer of the said Tolls for the Time being shall at all Times be responsible for every Person or Persons employed by or under him, for the Purpose of collecting or receiving the said Tolls, whether such Person or Persons shall be a Party in hiring the same or not; and all Persons or Passengers going through any Turnpike-Gate erected on the said Road, having any lawful Complaint against such Collector or Collectors, may prefer the same against the Lessee or Hirer of the said Tolls, who shall be liable to the same Fines, Forfeitures, or Penalties, as if acting in his own proper Person.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in any wise 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 be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their acting under the Authority of the said Trustees.

Trustees may
let the Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting whereof Twenty-one Days' Notice shall have been given in Writing, affixed upon all the Toll-Gates then erected upon or across the said Road, or inserted in some Newspaper published or circulated in the County of *Warwick*, from Time to Time, by Writing under their Hands, to let and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Power to
eject Farmers
of Tolls in
arrear.

XXIX. And be it further enacted, That if any Person, who shall be the Farmer or Renter of any of the said Tolls hereby authorized to be collected, shall not pay, or cause to be paid to the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, for the Time being, the Rent, Sum, Money, or Portion of Rent which he or they shall have agreed to give for the same, within the Space of Seven Days next after the several and respective Days on which the same shall become due and payable, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting,

to

to nominate and appoint some fit Person to collect and receive the Tolls arising at the Toll-Gate or Side-Gate, of which such Person shall be the Farmer or Renter until the next Meeting of the said 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 if he had been appointed a Collector at a Meeting held by virtue of this Act; and if any such Farmer or Renter, or other Person who shall inhabit the same, shall refuse or neglect to deliver up the Possession of the Toll-House, Buildings, and Appurtenances, which he occupied in right of his being such Farmer or Renter as aforesaid for the Space of Two Days next after Notice of such Appointment shall be given to him or left at such Toll-House, that then it shall be lawful for any Justice of the Peace for the County of *Warwick*, 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 out of such House and Premises, and to put the new appointed Collector into the Possession thereof; and that then and from thenceforth the Contract or Lease by which the said Tolls shall be rented or holden shall become null and void to all Intents and Purposes whatsoever; and the Sum or Sums of Money (if any) which shall have been deposited in the Hands of the said Trustees, or their Treasurer, for better securing the regular Payment of the said Rents, and all Interest which shall be then due thereon shall become forfeited to the said Trustees, and shall be by them applied to the several Purposes of this Act.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any Person or Persons (common Carriers, and the Proprietors of Stage-Coaches only excepted) for any Sum or Sums of Money which the said Trustees shall think fit, for and in lieu of Payment of any of the said Tolls, which Composition shall be paid in advance to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and be applied in the same Manner as the Tolls so compounded for would have been applicable.

Trustees may
compound
for Tolls.

XXXI. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or paid, at any of the Toll-Gates erected or to be erected upon the said Road, for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor from any Rector, Vicar, or Curate, going to or returning from his own Parish-Church or Chapel,

Exemptions
from Toll.

[Local.]

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or

or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his or their proper parochial Church or Chapel, or other Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in the Parish, Hamlet, or Place, through which any Part of the said Road hereby intended to be repaired lies; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Warwick*; or any Surveyor or Surveyors of the said Road, when attending his or their Duty on the said Road; or for carrying or conveying Vagrants sent by legal Passes; or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but to be laid or stacked up in any Barn or Yard held or used by the Occupier of the Land whereon the same grew, and being within the same Parish, nor going or returning empty when so employed; or for carrying or conveying any Dung, Soil, Mould, or Compost, to be used for the manuring and improving of any Land, nor going or returning empty when so employed; nor for any Horses, Beasts, or Cattle, passing in order to be used or employed only upon or for the Occupation of Land in the same Parish, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry, in order to be so used or employed, or to be repaired, or returning after having been so employed (unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Tolls); nor for any Horse, Beast, or Cattle, passing to or from Pasture upon any such Land as last-mentioned, or to or from Water, or for either of those Purposes of Pasture or Water, going or passing only from One Parish into the next adjoining Parish; nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried; nor for any Horse, Beast, or Cattle, used or employed for the Purpose only of carrying or conveying Materials for the making or repairing of any Highway or Public Road within any such Parish, Hamlet, or Place, as aforesaid, nor going or returning empty when so employed; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from any Place of Exercise, Inspection, or Review; provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Carriages
conveying
Military
Stores, not
to be subject

XXXII. 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, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty,

Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight therein, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put 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.

to Penalties
for Over-
weight.

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Inhabitants of the Parish of *Bilton*; and of the Hamlet of *Careston*, in the Parish of *Dunchurch*, to pass at all Times Toll-free with their Horses, Teams, Carts, Carriages, Cattle, Sheep, and Pigs through any Toll-Gate or Toll-Gates, Bar or Bars; Chain or Chains that may by virtue hereof be set up, in, upon, or across any Part or Parts of the said Roads directed to be made or repaired, or upon the Sides thereof, between the Commencement at the South West End of the Town of *Rugby* aforesaid, to the Entrance of the said Road into the Turnpike Road, leading from *Dunchurch* to *Coventry*, and any Person who shall claim or take the Benefit of the said Exemption, not being lawfully entitled to the same, shall forfeit and pay any Sum not exceeding Five Pounds.

Exemption
for Inhabit-
ants of Bil-
ton.

XXXIV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, Private Passage, Land, Ground, or Place, not being the Owner or Owners, Occupier or Occupiers thereof, or any of his, her, or their Family, or in his, her, or their employ, lying by the Side of or near to any Part of the said Road, or if any Person or Persons owning or occupying any Land, Ground, or Place, situate as aforesaid, shall knowingly or willingly permit or suffer any Person or Persons, not being in his or her employ, or of his, her, or their Family, to go or pass with any Horse, Beast, Cattle, or Carriage, or any Thing liable to the Payment of the Tolls granted by this Act, through or over such Gate, Private Passage, Land, Ground, or Place, in order thereby to evade the Payment of the said Tolls, or any Part thereof, or if any Person or Persons shall forge, counterfeit, or alter, or shall offer, deliver to, or receive, from any other Person, any Note or Ticket with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, or shall take off, or suffer to be taken off, any Horse, or other Beast, from any Carriage, either before or after having passed through any Toll-Gate or Side-Gate, now or hereafter to be erected upon the said Road, or having passed through any such Toll-Gate or Side-Gate, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road any Horse or Horses, or other Beast or Cattle, or any Carriage, chargeable with the Payment of any of the said Tolls, or load or unload any Goods, Wares, or Merchandize, or any Box, Bale, Pack, Truss, Package, or Parcel, or other Thing, with Intent to avoid or evade Payment of any of the said Tolls, or if any Person or Persons shall forcibly pass through any such Toll-Gate or Side-Gate with any Horse, or other Cattle or Beast,

Penalty on
avoiding
Tolls.

with

with or without any Carriage, without the Payment of Toll, all and every such Person and Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof when received shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Penalties on Collectors taking greater or less Tolls than allowed.

XXXV. And be it further enacted, That if any Farmer, Renter, or Collector of any of the said Tolls, shall demand or take, or cause to be demanded and taken from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer, Renter, or Collector shall, for every such Offence, forfeit any Sum not exceeding Five Pounds; and every such Collector, not being the Farmer or Renter, shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in Manner hereinafter mentioned.

Toll-Gates, &c. vested in Trustees.

XXXVI. And be it further enacted, That the Right and Property in all the Toll-Gates, Toll-Houses, Weighing Machines, and the several Conveniences and Appurtenances thereto belonging, which shall be erected or made by virtue of this Act, and in the Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things, which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and empowered to sell or dispose of the same as they shall think proper; and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage any such Toll-Gates, Toll-Houses, Conveniences, or Appurtenances, Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll-Gates, Toll-Houses, Conveniences or Appurtenances, Materials or Things, to be the Property of the Treasurer or Clerk for the Time being to the said Trustees.

For borrowing Money, and assigning Tolls.

XXXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be given in Writing, affixed upon all the Toll-Gates then erected upon the said Road, and inserted in some One Newspaper published or circulated in the said County of *Warwick*, may, and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum and Sums of Money as they shall think needful; and they are hereby also empowered, either at such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Toll-Gates, (the Charges of assigning or mortgaging the same to be paid out of such Tolls,) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees upon the Credit of such Tolls, to any Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same; which Mortgage shall be made in the following Form, or in any other Form of Words to the like Effect; (that is to say,)

‘BY

BY virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty, King George the Third, intituled *An Act*, [here insert the Title of this Act,] We Seven of the Trustees for putting the said Act into Execution, in Consideration of the Sum of _____ to the Treasurer of the said Road in hand paid, do grant, bargain, sell, and demise unto _____ his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll-Gates and Toll-Houses for collecting the same, as the Sum of _____ doth or shall bear to the whole Sum due and owing on the Credit thereof; to be had and holden from the _____ Day of _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. Given under our Hands and Seals, this _____ Day of _____ One thousand eight hundred and _____

Form of Mortgage.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Assignment or Assignments of Tolls may have been made under the said recited Act, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to or by endorsing on such Security, before a credible Witness, the following Words, or Words to the like Effect; (that is to say,)

Mortgages or Assignments shall be entered in a Book or Books.

I _____ do transfer this Mortgage or Security, [or, a certain Mortgage or Security, shortly stating it, as the Case may be,] with all my Right and Title to the principal Money thereby secured, and all the Interest now due thereon, unto _____ his Executors, Administrators, and Assigns. Dated this _____ Day of _____ Witness _____

Form of Transfer.

Which Transfer shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Dates, and Names of the Parties, and Sums of Money therein transferred, for which the said Clerk shall be paid the Sum of Six Shillings and Eight-pence and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may, in like Manner, assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, to whom the same shall be last transferred, to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

XXXVIII. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons, advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing any such Sum or Sums of Money; but that all Persons to whom such Mort-

No Priority of Mortgages.

[Local.]

8 D

gages

gages or Assignments shall be made as aforesaid, shall be in Proportion to the Sum or Sums of Money therein-mentioned, Creditors on the said Tolls in equal Degree one with another.

Compelling
Payment of
Subscrip-
tions.

XXXIX. And be it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or of repairing, widening, altering, and maintaining the said Road, or any Part thereof, or any other Person or Persons, who shall hereafter become or agree to become a Subscriber or Subscribers, for the Purpose aforesaid, or any of them, shall, after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, given to him, her, or them, or left at his, her, or their Dwelling-House, or usual Place of Abode, refuse or neglect to make Payment of the respective Sums, by him, her, or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any Five or more of them, to bring or cause to be brought in the Name of their Treasurer or Clerk an Action of Debt, or on the Case, Bill, Plaint, or Suit, against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance shall be allowed, and after Proof of such Person or Persons having subscribed, or agreed to subscribe, and that such Notice was given as aforesaid, such Person or Persons, his, her, or their Heirs, Executors, or Administrators, shall be compelled to pay the Sum or Sums of Money, so by him, her, or them, subscribed or agreed to be subscribed as aforesaid, together with full Costs of Suit.

Application
of the Mo-
ney.

XL. And be it further enacted, That out of any Monies which shall be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Costs and Expences of procuring or passing this Act, and the Remainder of such Monies shall from Time to Time be applied in putting this Act into Execution, and in repaying the principal Money by this Act charged or to be borrowed, and the Interest due and to grow due thereon, and in repairing, improving, and rendering commodious the said Road, and putting this Act in Execution in all other Respects.

Surveyors
may dig for
Gravel in
Wastes with-
out paying
for it.

XLI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, to be appointed by the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, and carry away any Materials for completing or repairing the said Road, out of any Waste or common River or Brook, in any Parish, Hamlet, Township, or Place in which the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, without paying any Thing for such Materials; they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying for the Damages done by going through and over any Lands or Grounds, for and with such Materials, (such Damages to

to be ascertained as hereinafter mentioned,) and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of any Justice or Justices of the Peace of the County, to be made upon the Application of the said Trustees, or any Five or more of them, to search for, dig, gather, and carry away any such Materials in or out of the Grounds of any Person, (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of such Grounds, where and from whence the same shall be digged, gathered, and carried away, or over which the same or any other Materials for repairing the said Road shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of private Grounds, or any of them, concerning such Payments and Damages as aforesaid, any Two Justices of the Peace for the County wherein the Place from which such Materials shall have been taken shall be situate, on Eight Days' Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payment and Damages.

XLII. 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, get, take, or carry away any Materials for making or repairing any Part of the said Road, out of or from any inclosed Lands or Grounds, until Notice in Writing signed by such Surveyor shall have been given to the Land-Owner, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken or left at such Occupier's usual Place of Residence, to appear before any Two Justices of the Peace, acting for the County or Place wherein such Premises shall be, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Land-Owner, Agent, or Occupier, shall attend pursuant to such Notice, the said Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Land-Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended; and the Order of such Justices shall be final and conclusive to all Parties.

XLIII. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been dug, gotten, or gathered for the Repair or Use of the said Road, or shall raise or carry away any Materials out of any Pit or Quarry, which shall have been made or opened for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of One Year, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier, to get

Notice to be given to the Occupiers of Land, before Materials are to be taken therefrom.

Penalties on taking away Materials got by the Surveyors.

get Materials for his own private Use only, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
make Cause-
ways.

XLIV. And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may and is and are hereby authorized and empowered to make or cause to be made any Causeway or Footpath in or along the Side of any Part or Parts of the said Road, and to cut or cause to be cut any Watercourse in, through, or across any Lands or Grounds, not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground, planted and set apart as a Plantation or Nursery for Trees, in order to drain or prevent the said Road, or any Part or Parts thereof, from being overflowed, and to erect Bridges over such Drains or Watercourses, if necessary; and also to make or cause to be made a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the said Road hereby intended to be repaired, (not being the Scite of or Ground whereon any House or Houses stand, or any planted Walk, Garden, Orchard, Yard, Park, Paddock, or Avenue to any House,) to be made use of by all Passengers with Carriages and Cattle, or otherwise as a public Highway, whilst the old ruinous Road is undergoing Repair, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands and Grounds for the Damage thereby sustained, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Not to divert
any Water-
course, feed-
ing Ponds,
&c.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen, or Agents, to stop, divert, or dispose of any Water or Watercourse, either in or through any public or private Ground, that shall contribute towards filling or supplying any public or private Pond or Ponds, Basons, Canals, or Reservoirs, from Water, until all and every such Pond or Ponds, Basons, Canals, or Reservoirs, shall be sufficiently supplied and filled, and the Water run waste; and that whenever a Supply of Water shall and may be needful or convenient to any such Pond or Ponds, Basons, Canals, and Reservoirs, or any of them, it shall be lawful for the Owners or Occupiers thereof to stop and dam up any such Watercourse as may have been made in pursuance of this Act, by Order of the said Trustees, or any Five or more of them, or their Surveyors, and to bring back the Water to such Pond or Ponds, Basons, Canals, and Reservoirs, until the same be again sufficiently supplied and filled, and the Water runs waste, and so from Time to Time, as often as such Owners or Occupiers shall think fit and convenient.

Surveyor
may remove
Annoyances.

XLVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, at proper Seasons of the Year, to remove all Gates and other Annoyances on the said Road, and to cut down Trees or Bushes (at the proper Season of the Year) growing on the said Road, or in the Hedges or Banks adjacent thereto; and to cut or plash such Hedges in case the Owners or Occupiers shall neglect to cut down such Trees or Bushes, or to cut or plash

plash such Hedges, or to remove such Annoyances for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees and Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal, or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Warwick*, from Time to Time, to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his or their Goods and Chattels, rendering the Surplus (if any) to the Owners thereof, upon Demand, after all Charges paid; and if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County or Place where the Offence shall be committed, shall, for every such Offence, forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

XLVII. 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 adjoin to or 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 shall be 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 scouring and cleansing the same; and if such Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, on Demand thereof upon him, her, or them respectively, by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains, and Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace for the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to the Owner or Owners thereof upon Demand, after all Charges are paid.

Owners of Water-courses neglecting to scour the same after Notice given Surveyors may cleanse them.

XLVIII. And be it further enacted, That the said Trustees, in making the said Road, shall not deviate more than One hundred Yards from the present Line or Course thereof, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Road not to deviate more than One hundred Yards from the Plan.

XLIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered from Time to Time, as they shall think proper, to widen and divert,

Trustees may make the Road, and contract for turn,

[Local.]

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purchasing
Lands.

turn, shorten, vary, or alter the Course or Path within the Limits herein mentioned, of any Part or Parts of the said Road; and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same; and through any Private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and to the Persons interested therein, for the Damages they may sustain thereby; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of or Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof; or for the Loss or Damage such Owners or Persons may sustain by widening and diverting, turning, shortening, varying, and altering the Course or Path of any Part or Parts of the said Road, through such Lands and Hereditaments; and it shall be lawful for all such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding; and to and for all Females Covert, who are or shall be seized or interested in their own Right; and to and for every Person or Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid; or to sell and convey unto them, all or any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, or Conveyances, which shall be made in Writing, and sealed and delivered by any Five or more of the said Trustees, in pursuance of any Order or Orders, at any Meeting or Meetings to be holden under this Act, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; provided always, that in widening, turning, or diverting the Course of the said Road, or for any other the Purposes of this Act, it shall not be lawful to or for the said Trustees to take or make use of, injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

When Persons neglect or refuse to treat, Damages to be settled by a Jury.

L. And be it further enacted, That if any such Bodies Politic, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode, of such Person or Persons, or of the Principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments, through which any Part of such Road is to be diverted, turned, or altered, shall, by the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises,

Premises, or by reason of Absence, shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County, wherein such Lands shall lie; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury, and examine on Oath any Person or Persons whomsoever; which Oath any One or more of the said Trustees is and are hereby empowered to administer, and such Trustees shall, by ordering a View or otherwise, use all such Ways and Means, as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damages or Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, or Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, as well as all other Persons whomsoever, and for summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the County wherein such Lands shall lie, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that may be speedily procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear,
or

or appearing, (having his reasonable Expences paid or tendered,) shall refuse to be sworn or examined, or give Evidence, so as that no such Fine be more than Five Pounds on any One Person for One Offence.

How Expences of the Jury shall be paid.

LI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assesment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, and Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees, out of the Money in his Hands, to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assesment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by some Justice of the Peace of the said County, not interested in the Matter in Question, (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein, to attend him for that Purpose,) shall and may be deducted out of the Money so assessed and 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 Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, the Whole of such Costs and Expences shall be borne and paid by the Treasurer to the said Trustees, out of the Money to arise by virtue of this Act.

Money agreed upon or assessed for Lands, how to be paid and tendered.

LII. And be it further enacted, That all and every Sum and Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or, as the Case may require, to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, or depositing the same in the Bank of *England* in Manner by this Act directed, as the Case may be; and after Thirty Days' Notice thereof given to such Parties or Persons, or their Agents,

Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn the said Road through or over such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees shall cause such Parts of the said Road to be made, widened, diverted, or turned through any Private Grounds, to be ditched or otherwise fenced from the adjoining Lands, in such Manner as the said Trustees, or any Five or more of them, shall direct; and all Lands and Hereditaments, which shall be made a Part or Parts of the said Road, by virtue of this Act, shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in Repair as such; and from thenceforth all Parties and Persons whomsoever, shall be divested of the Right and Title to such Lands and Hereditaments, and the Lands constituting any former Roads, in lieu whereof some new Roads shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, or may be exchanged for other Lands used for the Purpose of this Act, and the Money arising by such Sale shall be applied to the Repair of the Road by this Act directed to be repaired; and all Deeds of Exchange or Conveyance, executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County wherein such Lands or Grounds shall lie, shall be good and effectual in the Law, to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Buildings, or to the taking in of any Land, being a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, Planted Walk, inclosed Nursery for Trees, Avenue to a House, or any Part thereof, without the Consent of the Owners or Proprietors thereof respectively, in Writing first had and obtained.

Former
Roads may
be sold.

LIII. And whereas, by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seized of some Piece or Pieces of old Road or other Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of old Road and other Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees em-
powered to
sell Ground
not wanted
for the Pur-
poses of this
Act.

LIV. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, purchased by virtue of this Act, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case

Persons
whose Lands
adjoin to
have the Pre-
ference.

[Local.]

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such

such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of old Road shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused 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 or repurchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed, with respect to disputed Value of Premises to be purchased by the said Trustees, in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed, with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old 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 Non-application of such Money.

Application
of Compen-
sation, when
amounting to
200l.

LV. And be it further enacted, That the principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, not having the Power to sell without the Authority of this Act, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, such Money shall, in case the same amount to or exceed the Sum of Two hundred Pounds, 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 there, *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied 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 and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, 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, and Purposes; or where such Money shall not be so applied, then the same shall be laid out under the like Direction and Approbation of the said Court in the Purchase of other 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 Lands, Tenements, or Hereditaments, which shall be so

so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as; at the Time of making such Conveyance and Settlement, shall be existing, undetermined, or 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 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 Lands, Tenements, or Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

LVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, for the Purposes aforesaid, and belonging to any such Corporation, or to any Person or Persons under 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 Lands, Tenements, or 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 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 hereinbefore 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 the said Trustees for executing this Act, or any Five or more of them, (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 Dividend arising thereon, may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when Money does not amount to 200l. and shall exceed 20l.

LVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before-mentioned, shall be less than Twenty Pounds, then and in such Case 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, Tenements, or Hereditaments, so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, 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 or Persons so entitled respectively.

Application where the Money is less than 20l.

LVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any

In case of not making out Titles.

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 any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the 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 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, 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.

Respecting
disputed
Titles.

LIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 Dividend and 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 have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of the Bank Annuities, to be purchased with such Money, and also the Capital 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

LX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation,
entitled

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, Tenements, 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by the Trustees.

LXI. And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who before the passing of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the said Road, or any Bridge, Drain, or Watercourse, in or upon the same, shall, notwithstanding this Act, be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been or would have been in case this Act had not been made.

Persons liable to repair the Roads to continue so.

LXII. 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 Roads by this Act directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Warwick* in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, 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 Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or their Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways of 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 and effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who

Statute Labour.

[Local.]

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shall

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 Roads 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 in such Parts of the said Roads 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 and liable to the Payment of any such 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 Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall and 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 or directed to be recovered; and each and every Person who shall neglect or refuse to do 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, by any Surveyor of 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 shall be sent with any Team or Draught to work on the said Roads, 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 as 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Roads; and in case the 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 Ten Pounds.

For Recovery of Compensation for Statute Work.

LXIII. And be it further enacted, That the Proportion of the Money received, or which ought to be received by the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place as aforesaid, in lieu of or as a Composition for such Statute Work as aforesaid, and adjudged and determined by such Two Justices as aforesaid, to be by such Surveyor or Surveyors paid to the said Trustees, or their Surveyor or Surveyors, shall be so paid to them or him, at such Time or Times, as such Two Justices as aforesaid shall direct or appoint; and in Default of Payment thereof, the same, together with all reasonable Costs and Charges of the Recovery thereof, shall and may from Time to Time be levied on the Application of the said Trustees, or any Five or more of them, or their Surveyor or Surveyors of the Highways of such Parish, Township, or Place,
by

by Warrant under the Hand and Seal, or Hands and Seals of One or more Justices of the Peace, for the County or Place where the Defaulter or Defaulters shall reside.

LXIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, or Committees of Lands, Tenements, and Hereditaments, who are and shall be liable to or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and that it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places first had at any Vestry or other Public Meeting of such Inhabitants, to compound and agree for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute Work to be done upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in Repair of the said Road; and all such Highway Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees to compound for Statute Work.

LXV. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered from Time to Time to contract and agree with any Person or Persons, for repairing, widening, altering, turning, or amending the said Road, or any Part or Parts thereof; or for doing any other Work to be done in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper.

Trustees may contract for the Repair of the Road.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to cause the said Road to be measured, and Stones or Posts to be placed in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction-Post or Mile-Stone erected or fixed, or to be erected or fixed in or near to the Side of the said Road; or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway or Path adjoining to or made on the Side of or upon the said Road; or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway, or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Bankings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, or Beast, to be
and

Trustees may erect Mile-Stones, &c.

Penalty for defacing them, and on Persons injuring the Road or committing Nuisances thereon.

and remain loose on the said Road ; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise or Waggon, Cart or other Carriage, shall not keep his Carriage on the left or near Side of the said Road ; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his or their Care ; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part or Parts of the said Road ; or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road, (longer than may be necessary to load or unload the same, or in case the same shall not during such Time be standing as near to the Side of the said Road as conveniently may be,) either with or without any Horse or Beast of Draught, harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Directions as to Gates leading into Fields adjoining Road.

LXVII. And be it further enacted, That all Gates to be hereafter made and placed in any Field, Ground, or Place adjoining any Part of the said Road, shall be made, hung, and set up, so as to open inwards only, to such Field, Ground, or Place, and not outwards, towards the said Road, under a Penalty not exceeding Forty Shillings to be paid by the Owner or Occupier of such Field, Ground, or Place ; and that it shall be lawful for the said Trustees, or their Surveyor or Surveyors, to cause all such Gates as are now erected and constructed, so as to open outwards towards the said Road, to be altered and made so as to open inwards, and from the said Road only, and defray the Expence thereof out of the said Tolls.

Penalty on obstructing the Execution of this Act.

LXVIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, hindered, or interrupted, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXIX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers, appointed to put this Act into Execution ; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons, as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons, who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace, for the County or Place where the Offence or Offences shall be committed.

LXX. And

LXX. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect :

County of } BE it remembered, That on the Day of
 to wit. } in the Year of His Majesty's Reign,
 is convicted before me, One of His
 Majesty's Justices of the Peace for the County of *Warwick*, by virtue
 of an Act of Parliament made in the Fifty-eighth Year of the Reign
 of His Majesty King *George* the Third, intituled *An Act*, [*here set*
forth the Title of this Act, and specify 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 aforesaid.

Form of
Conviction.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof be not herein otherwise directed,) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for that Purpose,) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned on Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid and recovered, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid to the Treasurer to the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, 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 the Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties
how to be
recovered and
levied.

LXXII. Provided always, and be it further enacted, That if 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 appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be holden for the said County of *Warwick* within Four Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days' Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a
 [Local.] 8 H Recog-

Persons ag-
grieved may
Appeal to
the Quarter
Sessions.

Recognizance before a Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, 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 pay the same, and for Want of sufficient Distress commit such Person or Persons to the Gaol or House of Correction of and for the said County of *Warwick*, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
Want of
Form.

LXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums 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 Defects, or Want of Form in the Summons, Conviction, Warrant of 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 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 Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Limitation of
Actions.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until after Thirty Days' Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence in 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 that the same was so done, or that such Action or Suit was brought before Thirty Days' Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such
Action

Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants have or hath in any Case by Law.

LXXV. 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. Public Act.

LXXVI. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing thereof, and shall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5301 SOUTH DICKENS STREET
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700