



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 71.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and in the Fourteenth Year of the Reign of His present Majesty, for repairing and widening several Roads leading from the Town of *Bewdley* in the County of *Worcester*, to the several Places therein mentioned in the Counties of *Worcester* and *Salop* respectively. [20th June 1800.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening several Roads leading from the Town of Bewdley in the County of Worcester, to the several Places therein mentioned in the Counties of Worcester and Salop respectively*: And whereas, another Act was passed in the Fourteenth Year of the Reign of His present Majesty, for continuing, altering, and amending the said Act: And whereas, the Trustees appointed in or by virtue of the said Acts have made great Progress in the Execution thereof, and have borrowed considerable

Preamble.
26 Geo. II, and
14 Geo. III, re-
cited,
That Trustees
have borrowed
Money on the
Credit of the
Tolls.

[Loc. & Per.]

considerable

The Acts con-
tinued.

considerable Sums of Money upon the Credit thereof: But the said Roads cannot be effectually improved and kept in Repair, and the Interest of the Money borrowed on the Credit of the said Tolls be paid, nor the said Principal Money be repaid, unless the Term of the said Acts is continued, and the Powers and Provisions thereof in some Respects amended and enlarged, and the Tolls altered and increased: 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 said recited Acts, and all the Authorities, Powers, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, and now in force, (except so much of the said recited Acts as relate to Exemption from Stamp Duties), shall be, and are hereby further continued for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Variations, and Alterations herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term and the Tolls hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said former Acts, or either of them, or which shall be borrowed on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively.

Appointment
of additional
Trustees.

II. And be it further enacted, That the Honourable *George Arthur Annesley*, *Miles Peter Andrews*, *John Holmden Amphlett*, *John Amphlett*, *John Amphlett the younger*, *John Addenbrooke Addenbrooke*, *Edward Adams*, *John Asprey the younger*, *Richard Alport*, the Capital Burgesses of the Borough of *Bewdley* for the Time being, *Edward Blount*, *John Baker the younger*, *Thomas William Waldron Baker*, *John Baker of Wribbenball*, *George Baker*, *Thomas Baker the younger*, *Slade Baker*, *Samuel Baker the younger*, *John Baker of The Birch*, *Henry Edward Brosier*, the Reverend *Blakeway*, Rector of *Neen Savage*, *John Bluck*, *Ananias Brettell Clerk*, *Thomas Butt the younger*, Clerk, *Edward Baugh Clerk*, *Richard Baugh Clerk*, *John Brookholding*, *William Brookholding*, *Samuel Bowes*, *Thomas Bancks*, *Richard Bury*, *William Bayliss*, *William Lacon Childe*, *Thomas Clutton*, *Thomas Cookes Clerk*, *Thomas Calcott Clerk*, *James Compson the younger*, *Thomas Compson the younger*, *John Crowe*, *Thomas Howard Crane*, *Joseph Crane Clerk*, *John Crane of Bewdley*, *John Crane of Dunley*, *Thomas Crane of Habberley*, *Edward Wheeler Crane*, *Edward Crane*, *Thomas Cresswell*, *Thomas Sheward Cotterell*, *Henry Barrar Child*, *John Corbett*, *John Carlton Crump*, *Benjamin Dugard*, *George Durant Clerk*, *Thomas Evans Doctor in Divinity*, *Edward Thomas Foley*, *Thomas Foley*, *Thomas Philip Foley Clerk*, *James Fryer*, *John Fox*, *Benjamin Glover*, *Jonah Gunn*, *Sir Richard Hill Baronet*, *Moses Harper*, *George Hulme Clerk*, *Francis Hattam*, *Curteis Hale*, *Edward Winnington Ingram*, *James Ingram Clerk*, *William Jesse Clerk*, *James Jefferys*, *Richard Payne Knight*, *John Knight*, *James Kinnerley*, the Honourable *William Henry Lyttelton*, *William Lygon*, *Henry Lingen Clerk*, *Walter Michael Moseley*, *Thomas Elton Miller*, *William Morgan Clerk*, *Samuel Millner*, *James Wakeman Newport the younger*, *Richard Nott of Worsley*, *John Nurse*, *John Kynaston Powell*, *John Phillips*, *Thomas Palmer*, *William Payton*, *William Parsons*, *Robert Pardoe the younger*,

younger, *Peter Prattinton* Bachelor of Physick, *James Prattinton* Clerk, *William Prattinton*, *Adam Lyttleton Prattinton*, *Thomas Edwards Prattinton*, *Thomas Roche* Clerk, *Thomas Aylesbury Roberts* Clerk, *Sir John Saunders Sebright* Baronet, *Jonathan Skey* the younger, *Henry Skey*, *Joseph Skey* Doctor of Physick, *Joseph Seager*, *William Smith* the younger, *William Slaney*, *Francis Severn* Clerk, *Jacob Turner*, the Honourable *John William Ward*, *Thomas Edward Winnington*, *Francis Winnington*, *Charles Fox Winnington*, *Henry Jeffreys Winnington*, *Edmund Wigley*, *Edmund Wigley* the younger, *Charles Watkins* of *The Rock*, *John Watkins*, *John Watkins* the younger, *Thomas Wigan* Clerk, *Thomas Jacob White*, *William Wheeler* of *Winterfold*, *John White*, *Allen Wheeler* of *Cleobury*, *Allen Wheeler* Clerk, *Joseph White*, *John Woodward*, *Daniel Yeates*, and *John Zachary*, (being qualified according to the Directions of the said first recited Act), shall be, and they are hereby appointed Trustees for the said Roads, and shall be joined with the Trustees appointed by or in pursuance of the said former Acts, or either of them, for putting the said Acts and this Act in Execution, as fully and effectually, to all Intents and Purposes, as if they had been originally appointed Trustees for the said Roads in and by the said former Acts, or either of them.

III. And whereas the Tolls by the said last recited Act authorized to be taken on the said Roads are insufficient: Be it therefore further enacted, That the said Tolls shall be, and they are hereby repealed, and from and after the passing of this Act shall cease, determine, and be no longer paid; and instead thereof the several Tolls and Duties following shall be demanded and taken; (that is to say),

Former Tolls repealed, and new Tolls granted.

For every Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Calash, Curricule, Hearse, Chair, Caravan, or other such Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three or Two Horses or Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

Tolls,

For every Cart, Tumbrell, or other such Two-wheeled Carriage, (except as herein-after mentioned), the Sum of Nine-pence; and for every Waggon, Wain, or other such Four-wheeled Carriage, (except as herein-after mentioned), the Sum of One Shilling and Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny Half-penny:

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

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Sixpence *per* Score, and so in Proportion for any greater or less Number:

And that for every Carriage laden with Timber, or having therein or thereon any Timber, Bricks, Tiles, or Lime for building, and for the Horses and other Cattle or Beasts drawing the same on any Part of the said Roads, between the First Day of *October* and the First Day of *April* in every Year, shall be demanded and taken, and they are hereby charged and made chargeable with Double the Tolls herein-before made payable:

And on Carriages laden, with Timber between 1st *October* and 1st *April*.

And

Additional
Tolls for Nar-
row Wheels.

And for every Waggon, Wain, Cart, or other such Carriage, having the Fellics of the Wheels thereof of less Breadth or Gauge than Six Inches from Side to Side at the least at the Bottom or Sole thereof, One Half more than the respective Tolls made payable for the same as aforesaid, and not more, (except in Cases of Over-weight), any Thing in the said recited Acts, or either of them, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding:

Double Tolls
on Sundays.

And for every Coach, Chaise, Waggon, Cart, or other Carriage whatsoever, and also for every Horse, Mare, Beast, and other Cattle whatsoever, passing through any Gate or Turnpike upon the said Roads, any or either of them, upon the Lord's Day commonly called *Sunday*, Double the respective Tolls which are made payable for the same as aforesaid:

And all the said several and respective Tolls shall be, and are hereby vested in the said Trustees for putting the said former Acts and this Act in Execution; and the same, and every Part thereof, shall and may be applied, disposed of, demised, leased, mortgaged, and assigned to and for the several Uses, Intents, and Purposes of the said former Acts and this present Act, and according to the Powers, true Intent and Meaning thereof respectively; and the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize for that Purpose, shall have the same Powers, Authorities, and Remedies for demanding, recovering, collecting, and levying the Tolls hereby granted and made payable, as were in and by the said former Acts, or either of them, given and granted for demanding, collecting, recovering, and levying the Tolls thereby granted; and all Persons evading the Tolls hereby granted, or any of them, shall be subject and liable to such and the same Penalties and Forfeitures, as Persons evading any of the Tolls granted by the said former Acts are thereby, or by any other Law now in being for or respecting the Preservation of the Turnpike Roads of this Kingdom, made subject and liable to.

Trustees may
reduce the
Tolls.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, and they are hereby empowered from Time to Time, as they shall see Occasion, to reduce or lessen the respective Tolls hereby granted on the said Roads, any or either of them; and such Tolls or Duties so reduced or lessened shall and may be collected, recovered, and applied in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied, so as Ten Days Notice of such Meeting be affixed in Writing upon the Turnpike Gate or Gates in the Road or Roads in which such Reduction is intended to take place, and so as the said Reduction be from Time to Time made with the Consent of the several Persons who shall have advanced any Money on the Credit of the said Tolls, or to whom any Money shall be due thereon or secured thereby at the Time of such Reduction; and also from Time to Time to raise such Tolls again, or any Part thereof, as they shall find necessary, so as the same be not raised higher than the Tolls herein-before granted; and such Tolls, so reduced and raised again, shall be collected, recovered, and applied, in the same Manner and for the Purposes as the Tolls herein-before granted are hereby directed to be collected; any Thing in the said former Acts, or either of them, contained to the contrary hereof in anywise notwithstanding.

V. And

V. And it is further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Gate Keepers
to be compe-
tent Witnesses.

VI. And be it further enacted, That if any Person or Persons shall assault any Collector or Receiver of the Tolls, or his or their Servant or Assistant, attending and being at any of the Turnpikes in the Execution of his, her, or their Office or Offices, or shall forge and counterfeit any Note or Ticket by the said former Acts, or either of them, or this Act, directed to be given, whereby the Payment of the said Tolls, or of any Part thereof, shall or may be avoided; or if any Person or Persons shall pass through any or either of the said Turnpikes, with any Horse, Beast, or Carriage, without Payment of Toll, every Person offending in any of the Cases aforesaid, shall for every Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on
evading the
Tolls.

VII. Provided always, and be it further enacted, That if any Person or Persons whomsoever shall obstruct or hinder the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any Person or Persons employed by him or them in digging for, collecting, or gathering any Gravel, Sand, Stones, or other Materials, in any Place or Places where he or they have a Right to dig for, gather, or collect the same; or shall, after the same shall have been so collected and gathered, take and carry away the same, every Person or Persons offending herein shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Value of the Materials so taken away.

Penalty on
interrupting
Surveyors in
getting Mate-
rials.

VIII. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Drains, or Sewers lying in and upon the said Roads, have been accustomed, and ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, all and every such Part or Parts of the said Roads, and all such Bridges, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politick and Corporate, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act; and that all and every Person and Persons who by Law are chargeable towards the repairing the said Roads, or any Part thereof, shall still remain chargeable and do their respective Works in the Parishes, Townships, or Places in which the said Roads do lie, in such Manner as he, she, or they ought to have done before the passing of this Act.

Bridges to be
repaired as
heretofore.

IX. And be it further enacted, That when and as often as any Collector or Receiver of the said Tolls shall grossly neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Two 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

Two Trustees
may appoint
temporary
Collectors:

[Loc. & Per.]

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Discharge
those misbeha-
ving, and ap-
point others
till next Meet-
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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 a Collector of the said Tolls, to continue until the then 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 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 Children, 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 continued or erected by virtue of this Act, for the Space of Four 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 a Meeting, or by their Clerk or Treasurer 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 or Place, by Warrant under his or 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, her, or their Goods out of the same, and to put the said Trustees, or any Two or more of them, or such new appointed Collector, into the Possession thereof.

Two Trustees
may adjourn.

Clerk to call
Meetings, if
Trustees do
not attend, or
the Trustees
omit to ad-
journ.

X. And be it further enacted, That if at any Meeting of the Trustees to be held for the said Roads, there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, (Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed on all the Turnpikes then erected on the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was to have been held, on such Day as shall be specified in such Notice, not exceeding Two Calendar Months nor less than Four Weeks after the Day on which such last-mentioned Meeting was held or was to have been held as aforesaid; and in case the Clerk or Clerks to the said Trustees 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 or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the Trustees to meet at some House near the said Roads, upon the Day Fortnight after the Date of such last-mentioned Notice; any Thing in the said former Acts, or either of them, to the contrary notwithstanding.

Meetings on
Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier
Day

Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Five or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purport of such intended Meeting, shall forthwith give Notice thereof in the Manner last herein-before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Fourteen Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the said Trustees at every such Meeting shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

XII. And whereas it may be found necessary to turn, divert, or alter the Course or Path of some Part or Parts of the said Road, for the better Accommodation of Passengers and Carriages, and the Power for that Purpose given to the said Trustees by the said first recited Act is insufficient, as it extends only to Lands, Grounds, Tenements, or Hereditaments lying contiguous or near to the said Roads: Be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to turn, divert, and alter the Course or Path of any Part or Parts of the said Roads, as they, or any Five or more of them, shall think proper, over, through, and along any other Road or Roads, or any Commons or Waste Grounds, within the several Parishes or Townships through which the same now goes, or within any adjoining Parishes or Townships within the said Counties of *Worcester* and *Salop*, or either of them, without making any Satisfaction to any Person or Persons for so doing; and also over, through and along the private Lands, Grounds, and Hereditaments of any Person or Persons whomsoever within any such Parish or Township as aforesaid, making such Compensation to the Owner or Owners thereof, and other Person or Persons interested therein, as shall be agreed upon between the said Trustees, or any Five or more of them, and such Owner or Owners, or Person or Persons interested; and in case the said Trustees, and such Owner or Owners, and other Person or Persons as aforesaid, cannot agree touching such Compensation, then the same shall be settled and ascertained in such Manner as is directed by the said first recited Act with respect to Lands, Grounds, and Hereditaments thereby authorized to be taken for the Purposes of the said Act: Provided always, That nothing herein contained shall extend to the pulling down any Dwelling House or other Building, or to take in the Site of any House or other Building, or take in any Part of any Park, Garden, Orchard, or Yard, or any planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees.

Power to divert the Roads.

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the

Application of Compensation where exceeding 200^l.

the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, 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 Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200 *l.* nor less than 20 *l.*

XIV. 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 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 exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein before directed, so far as the Case be applicable

plicable without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XV. 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 all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, 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 20 l.

XVI. And be it further enacted, That all the Penalties, Forfeitures, and Fines by this Act or the said former Acts, or either of them, inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not before otherwise particularly directed), shall, upon Proof of the Offence or Offences before any One or more Justice or Justices of the Peace for the County, City, Borough, or Place wherein such Offence or Offences shall have been done and committed, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, shall be recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and One Moiety of the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied) paid to the Informer or Informers, and the other Moiety to any Five or more of the said Trustees or their Treasurer, and shall be applied for the Purposes of the said former Acts and of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, (which Warrant or Warrants he and they is and are hereby authorized and required to grant), to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County where such Offence or Offences shall have been done, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied; any Thing in the said former Acts, or either of them, to the contrary hereof in anywise notwithstanding.

Recovery and Application of the Penalties.

XVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of the said former Acts, or either of them, or of this Act, the Distress itself shall not

Distress not unlawful for Want of Form.

[Loc. & Per.]

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be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or 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, may recover full Satisfaction for the special Damage in an Action on the Case.

XVIII. And, for the more easy and speedy Conviction of Offenders against the said recited Acts and this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts or 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, as the Case shall happen; (that is to say),

Form of Conviction.

BE it remembered, That on the _____ Day of _____
 in the Year of our Lord _____ at _____
 A. B. is convicted before me C. D. One of His Majesty's Justices of the Peace for the County, City, Borough, or Division of _____
 [as the Case may happen, specifying the Offence, and Time and Place when and where the same was committed, as the Case may be]. Given under my Hand and Seal, the Day and Year aforesaid.

Proceedings not to be quashed for Want of Form.

XIX. Provided always, That no Proceeding to be had touching the Conviction of any Offender or Offenders against the said former Acts or this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of the said Acts or this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover, if Tender of Amends before Action brought.

XX. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party who shall have committed, or cause to have been committed, any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant in any such Action, with Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he shall see fit, whereupon such Proceedings, or Orders and Judgements shall be had and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXI. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of the said recited Acts, or either of them, or of this Act, until
 Twenty

Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in One of the Counties of *Worcester* or *Salop*, as the Case may be, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty, and give the said Acts and this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Acts and this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or Tender as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place 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 Suit 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 recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in any other Cases by Law; nor shall any Person or Persons who shall offend against the said recited Acts or this Act, be sued or prosecuted, or be liable to any Penalty or Forfeiture laid or inflicted by the said Acts, or either of them, after the Expiration of Ten Calendar Months from the Time of the Offence committed; any Thing herein, or in the said recited Acts, contained to the contrary hereof in anywise notwithstanding.

XXII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining of this Act, together with lawful Interest for the same, from the Time of passing this Act till the Time of Payment, shall be paid and satisfied by the said Trustees, in the same Manner and Proportions as directed by the said recited Act of the Fourteenth Year of His present Majesty, out of any Money already raised by virtue of the said former Acts, or out of the first Money and Tolls to be raised or received by virtue of the said Acts and this Act, in preference to all other Payments and Expenditures whatsoever; and that it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby empowered and required to order and direct the Payment of the said Charges and Expences, with Interest, and in Preference as aforesaid.

For paying
the Expences
of this Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without the same being specially pleaded.

Publick Act.

XXIV. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine, and that the said Acts (but subject nevertheless as aforesaid) and

Term of the
Act.

this

this Act shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1800.