



ANNO QUINQUAGESIMO QUINTO

GEORGI II. REGIS.

Cap. lx.

An Act for repealing an Act of His present Majesty, for the Repair of several Roads in the Counties of *Somerset, Devon, and Dorset*, leading to the Town of *Chard*, in the County of *Somerset*; and for making and repairing a Road from *Chard* to the *Honiton* Turnpike Road, in the Parish of *Upottery*, in the County of *Devon*, and for more effectually repairing the Residue of the Roads comprized in the said Act. [25th May 1815.]

WHEREAS by an Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for repealing Two Acts*, ^{40 G. 3.} One made in the Twenty-sixth Year of the Reign of King George the Second, and the other in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road from the Halfway House in the Parish of Lower Compton, in the County of Dorset, through the Towns of Yeovil, Crewkerne, and Chard, to the East End of the Town of Axminster, in the County of Devon, and several other Roads therein mentioned; and also for repealing so much of an Act made in the Eighteenth Year of the Reign of His present Majesty, for repairing several Roads leading from the Town of Taunton, in the County of Somerset, as relates to repairing the Road from the Direction Post in Widcombe Moor, through Street Ash Lane

[Local.] 16 Y 19

to Chard, and for making more effectual Provision for those Purposes, and for altering and diverting certain Parts of the said Roads; several Tolls, Powers, and Authorities were granted, for repairing the Roads therein mentioned, which were divided into Two Districts, called "The First District" and "The Second District," which said Second District comprises the Road leading from *Haseborough Bridge*, in the County of *Somerset*, through the Towns of *Crewkerne* and *Chard*, through a certain Lane called *Stoney Lane* to the East End of the Town of *Axminster*, in the County of *Devon*, and the Roads from the West End of the said Town of *Chard*, to the *Honiton* Turnpike Road at *Cheeseway Ash*, and from *Whitedown* in the County of *Somerset*, through *Perry Street*, to *Tytherleigh Inn* in the County of *Dorset*, and also the Road from the *Red Lion Corner* in *Chard* aforesaid, to *Street Ash Lane* in the Parish of *Combe Saint Nicholas*, and from hence through the several Parishes of *Combe Saint Nicholas*, *Buckland Saint Mary*, *Bickenhall*, *Curland*, and *Staple Fitzpaine*, in the County of *Somerset*, to the *Taunton* Turnpike Road at *Staple Pound*, in the said Parish of *Staple Fitzpaine*: And whereas by virtue of the said recited Act, and the several Acts therein recited, or some of them, several Sums of Money have been borrowed on the Credit of the Tolls granted by the said Acts, within the said Second District, which still remain due and owing: And whereas the Road leading from the West End of the Town of *Chard*, in the County of *Somerset*, to the *Honiton* Turnpike Road at *Cheeseway Ash*, in the County of *Devon*, being Part of the Roads comprised in the said Second District, is very hilly, and in some Places narrow and incommodious; and it would greatly facilitate and improve the Communication between the Towns of *Chard* and *Honiton* and the adjoining Places, and also be of public Utility, if the Course or Direction of the said Road were diverted and made to pass through the several Parishes of *Chard* and *Combe Saint Nicholas* in the County of *Somerset*, *Wambrooke* and *Chardstock* in the County of *Dorset*, and *Yarcombe* and *Upottery* in the County of *Devon*, to join the present Turnpike Road leading from *Honiton* to *Ilminster*, at or near a certain Place called *Rawridge Hill* in the said County of *Devon*: And whereas it is expedient that the said recited Act, so far as it relates to the Roads comprised in the said Second District, should be repealed, and that Provision should be made for amending, widening, altering, and keeping in Repair the same Roads (except that from the West End of the Town of *Chard* aforesaid, to the *Honiton* Turnpike Road at *Cheeseway Ash* aforesaid, from the Repairs of which it is proposed the Trustees of this Act should be discharged) and for making, amending, widening, and keeping in Repair a Road from the West End of the Town of *Chard* aforesaid, through the several Parishes of *Chard*, *Combe Saint Nicholas*, *Wambrooke*, *Chardstock*, *Yarcombe*, and *Upottery*, aforesaid, to join the present Turnpike Road from *Honiton* to *Ilminster*, at or near *Rawridge Hill* aforesaid, in lieu of the Road so intended to be discontinued: 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 from and after the passing of this Act the said recited Act of the Fortieth Year of the Reign of His present Majesty, so far as it relates to the Road from *Haseborough Bridge* aforesaid, through the Town of *Crewkerne* and *Chard*, through the said Lane called *Stoney Lane*, to the East End of the Town of *Axminster* aforesaid, and the Roads from the

West

40 G. 3.
repealed as
to Second
District.

West End of the Town of *Chard* to the *Honiton* Turnpike Road in *Cheeseway Ash* aforesaid, and from *White Down* aforesaid, through *Perry Street* to *Tytherleigh Inn* aforesaid, and also the Road from the *Red Lion Corner* in *Chard* aforesaid, to *Street Ash Lane*, in the Parish of *Combe Saint Nicholas* aforesaid, and from thence through the several Parishes of *Combe Saint Nicholas*, *Buckland Saint Mary*, *Bickenball*, *Curland* and *Staple Fitzpaine* aforesaid, to the *Taunton* Turnpike Road at *Staple Pound* in the Parish of *Staple Fitzpaine* aforesaid, being the Roads comprized in the said Second District of Roads in same Act mentioned, shall be and the same is hereby repealed and made void to all Intents and Purposes whatsoever: Provided always, that this Act, and the Term, the Tolls and Duties hereby granted, shall be and they are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or Security of the Tolls granted by the said recited Act of the Fortieth Year of His present Majesty, within the said Second District, and of all Sums of Money which shall be borrowed on the Credit of this Act, and all Interest due and to grow due upon the same Sums, or any of them respectively: Provided also, that this Act or any Thing therein contained shall not in anywise extend to prejudice or affect the said recited Act of the Fortieth Year of the Reign of His said present Majesty, or any of the Powers, Clauses, or Provisions therein contained, so far as the same relate to or concern the Roads comprized in the said First District, or any of them, or any Part or Parts thereof respectively.

II. And be it further enacted, That the Right Honourable commonly called Lord Viscount *Hinton*, *Samuel Brown*, *William Brown*, *John Beviss*, *John Bawden*, *Warre Squire Bradley* Clerk, *Richard Nofster Burnard*, *Henry Powell Collins*, *Robert Colmer*, *Robert Colmer junior*, *James Coles*, *Thomas Collins*, *James Benjamin Coles*, *William Cuff*, *Thomas Edward Clarke*, *Charles Collins*, *Robert Pearse Clarke* Clerk, *John Cooke*, *John Coxe* Clerk, *Thomas Trayton Fuller*, *Elliott Drake*, *Hinton East Drake*, *Thomas Deane*, *Azariah Elfwood*, *Henry Edwards*, *Isaac Elton*, *William Forward*, *Thomas Guppy*, *John Hallett*, *William James*, *Thomas Knott*, *Thomas Knott junior*, *John Langdon*, *William Leman*, *William Loveridge*, *Samuel Lincoln*, *George Mason*, *Richard Mayo*, *Warren* Clerk, *George Notley junior*, *William Palmer* Clerk, *D. D. Stephen Pitt*, *Thomas Palmer*, *John Abraham Palmer*, *Robert Pearson*, *Thomas Pyke*, *Robert Perham*, *John Rio*, *William Read*, *William Spicer*, *William Symes*, *Jonathan Symes*, *William Northcote Spicer*, *Isaac Sparks*, *Samuel Sparks*, *James Tapp*, *Hugh Trenchard*, *John Tanner*, *Isaac Treasure*, *John Wheadon*, *John Wheadon junior*, *George Wheadon*, *William Wheadon*, *William Wall senior*, *William Wall of Lordfleaze*, *Samuel Wills*, *John White*, *Jonathan Warre*, *William Weaver*, *Henry Wakley*, *John Wellington*, *John Wellington junior*, *Samuel Ware*, *Francis Weaver*, *William Welch*, and *William Walter junior*, together with such other Persons, not exceeding the Number of Ten in the Whole, as the said Trustees shall in Manner hereinafter mentioned nominate and elect, shall be and they are hereby appointed Trustees, for amending, widening, altering, and keeping in Repair, the Road leading from *Hasleborough Bridge* aforesaid, through the Towns of *Crewkerne* and *Chard*, through the said Lane called *Stoney Lane*, to the East End of the Town of *Axminster* aforesaid, and the Roads from *Whitedown* aforesaid, through *Perry Street* to *Tytherleigh Inn* aforesaid, and from the *Red Lion Corner* in *Chard* aforesaid, to *Street Ash Lane*, in the

Trustees
Names.

the Parish of *Combe Saint Nicholas* aforesaid, and from thence through the several Parishes of *Combe Saint Nicholas*, *Buckland Saint Mary*, *Bickenball*, *Curland* and *Staple Fitzpaine* aforesaid, to the *Taunton Turnpike Road* at *Staple Pound* in the Parish of *Staple Fitzpaine*, aforesaid; and also for making, amending, widening, and keeping in Repair, a convenient Carriage Road from the West End of the Town of *Chard* aforesaid, through the several Parishes of *Chard*, *Combe Saint Nicholas*, *Wambrooke*, *Chardstock*, *Tarcombe*, and *Upottery*, aforesaid, to the Turnpike Road leading from *Honiton* to *Ilminster* aforesaid, and for otherwise putting this Act into Execution.

Election of
new Trustees.

III. And be it further enacted, That upon the Death or Refusal or Disability to act of any of the Trustees hereby appointed, or their Successors, to be elected in Manner herein mentioned, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person to be a Trustee, in the room of each Trustee so dying or refusing or being incapable to act, and Notice of the Time and Place of the Meeting for every such Election shall be given in Writing, under the Hand of the Clerk of the said Trustees for the Time being, to be affixed on all the Turnpikes which shall be then standing on the said Roads, at least Ten Days before such Meeting; and every Person so to be elected and appointed a new Trustee as aforesaid, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as any of the Trustees named and appointed in and by this Act.

No Victual-
ler, &c. to be
a Trustee or
Collector.

IV. And it is hereby further enacted, That no Person who shall keep any Victualling-house, Alehouse, 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 collecting the Tolls hereby granted and made payable, during such Time as he shall keep such Victualling-house, Alehouse, or other House of public Entertainment, or shall sell any Wine, Beer, Cyder, Ale, Spirituous or other Strong Liquors by Retail.

Qualification
of Trustees.

V. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be seised or entitled in his own Right, or in the Right of his Wife, for some Estate for Life, or for Years determinable on a Life or Lives, or for some Estate of Inheritance, of or to Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate or Real and Personal Estate together, of the Value of One thousand Pounds over and above what will be sufficient to pay all his just Debts, or shall be Heir Apparent to some Person seised or entitled for some Estate for Life, or of Inheritance in Possession, of or to Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds; and if any Person, not being so qualified, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall

shall be allowed; and such Person, so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person has acted as a Trustee in the Execution of this Act.

VI. Provided also, That every Trustee, before he shall act as such (except in administering the following Oath) shall take an Oath before One or more of the said Trustees (who is and are hereby empowered to administer the same) in the Form following; that is to say, Trustees to be sworn.

I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [or The Oath.
in the Right of my Wife] seised or entitled for some Estate for Life or for Years determinable on a Life or Lives, or for some Estate of Inheritance, of or to Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds; [and, in case of Personal Estate alone, or of Real and Personal Estate together] I *A. B.* do swear, That I am truly and *bonâ fide* possessed of or entitled to a Personal Estate [or, Real and Personal Estate together] of the Amount or Value of One thousand Pounds above what will be sufficient to pay all my just Debts; [and, in case of an Heir Apparent] I *A. B.* do swear, That I am Heir Apparent to *C. D.* who, to the best of my Knowledge, Information, and Belief, is truly and *bonâ fide* seised or entitled for some Estate for Life, or of Inheritance in Possession, of or to Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and that I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts, Powers, and Authorities, reposed in me as Trustee, by virtue of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled [here set forth the Title of this Act.]

VII. Provided nevertheless, That all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act. All Acts of Trustees not qualified, if done before Conviction valid.

VIII. And be it further enacted, That it shall be lawful for such of the Trustees of this Act, as are or shall be Justices of the Peace, to act as such Justices in the Execution of this Act within their respective Jurisdictions, notwithstanding their being such Trustees, except in Cases where they shall be personally interested. Trustees may act as Justices except where personally interested.

IX. And be it further enacted, That the said Trustees shall meet at the Common Hall, in the said Town of *Chard*, on the *Tuesday* Fortnight after the passing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and shall then and there proceed to carry this Act into Execution; and it shall be lawful for the said Trustees at such Meeting, and at all or any other of their Meetings for carrying this Act into Execution, from Time to Time to adjourn themselves, and to appoint their next Meeting to be holden at the said Common Hall within the said Town of *Chard*, or at any such other Place within the Distance of Five Miles from some Part of the said Roads, and at such Time, as the said Trustees Meetings of Trustees.
[Local.] shall

Trustees to
defray their
own Ex-
pences.

shall from Time to Time order and direct (provided that no Adjournment shall be made for a longer Space of Time than Six Calendar Months); and if it shall so happen, that there shall not appear at any such Meeting a sufficient Number of Trustees to act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, within One Calendar Month from the Day on which such Adjournment shall be made, and shall cause public Notice thereof to be given in Writing, affixed on all the Turnpikes erected by virtue of this Act, at least Ten Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall, at all their Meetings, defray their own Expences; and that none of the said Trustees shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act.

Meetings on
Emergencies.

X. And be it further enacted, That if after any Adjournment of the said Trustees, made either by themselves or by virtue of this Act, it shall at any Time be thought necessary that an earlier Day should be appointed than the Day to which such Meeting shall have been adjourned, then and in such Case it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting in pursuance of this Act) to sign an Order for holding a Special Meeting of the said Trustees, mentioning the Time, Place, and Purpose, of such Meeting; and the Clerk to the said Trustees, upon Receipt of such Order, shall forthwith give Notice, in Manner before directed, of such Special Meeting, and of the Time, Place, and Purpose, which shall be mentioned in such Order (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees, at such Meetings, shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Act valid
unless at a
Meeting.

Majority
present may
act.

Chairman to
be appointed.

XI. And be it further enacted, That all the Orders and Proceedings of the said Trustees in the Execution of this Act, shall be done at some Meeting to be holden in pursuance of this Act (except those herein otherwise particularly authorized or directed); and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Three; and all the Orders and Proceedings of the major Part of such Trustees present at every such Meeting, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being, except such as are herein otherwise directed or authorized; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen, that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in such Case, it shall be lawful for the Chairman to give the decisive or casting Vote.

No Order to
be revoked
unless Six
Trustees
concur.

XII. And be it further enacted, That no Order made by Three or more of the said Trustees shall be revoked or altered, unless Nine or more of such Trustees shall be then present, and Six or more of them shall concur therein, and unless Notice shall have been given by Three Trustees to their Clerk, of their Desire to have a Meeting, for the Purpose of taking into Consideration

tion the said Order, with a view to revoke or alter the same; and in such Case Notice in Writing shall be given to or left at the usual Place or Places of Abode of such Trustees as were present when such Order was made, of the Intention to revoke or alter the same, Ten Days at least previous to such Meeting.

XIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their Meetings; and all Entries in such Book or Books, being signed by the Chairman, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall, at all the Meetings of the said Trustees, be open and liable to the Inspection of all the said Trustees, and of the Creditors on the Tolls hereby granted; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of Four-pence, and so in Proportion for any greater or less Number of Words.

Proceedings
to be entered
in a Book.

XIV. Provided always, and be it enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings of any of the Trustees, or other Person or Persons, acting by and under the Authority of the recited Act, or any of the Acts therein recited, or (such Entry or Entries being made in such Book or Books, according to the Directions of and rendered Evidence by the said Acts, or any of them) shall be good and sufficient Evidence of such Proceedings in any Court whatsoever; any Thing herein contained to the contrary thereof notwithstanding.

Proceedings
under former
Acts good
Evidence.

XV. And be it further enacted, That the said Trustees may, and they are hereby empowered by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and all such other Officers and Persons for the Execution of this Act, as the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances, to the said Officers and other Persons, as the said Trustees shall think reasonable; and the said Trustees shall and are hereby required to take such sufficient Security from every such Treasurer and other Officer, for the due and faithful Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been by such Officers respectively received, by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies which shall remain due from them respectively to the said Trustees, or to such Person

Trustees to
appoint
Officers, &c.

Trustees to
take Security
from the
Treasurer.

Officers to
account.

or

Treasurer to
account
yearly.

or Persons as they shall appoint to receive the same; and every such Treasurer shall on the First *Tuesday* in the Month of *March* yearly, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed, by them, if approved of; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or any One or more of them (or to such Person or Persons as they shall appoint to receive the same, within Seven Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer) all Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same; and if Complaint shall be made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the City, County, or Place wherein such Officer so refusing or neglecting shall be or reside, such Justice may, and he is hereby authorized and required to issue a Warrant under his Hand and Seal, for the Officer so refusing or neglecting to appear before him, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, shall remain due from such Officer, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place, where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, to whom such Money ought to have been paid, for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress shall be detained in Prison upon any such Commitment, for any longer Time than Three Calendar Months.

XVI. And

XVI. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee to collect the Tolls payable at any Turnpike Gate to be continued or 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 in some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, 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 anywise hinder any Person or Persons from reading such Christian or Surname, 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 in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Tolls when demanded, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid, shall adjudge.

Regulation
as to Toll
Collectors.

XVII. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapability to act of any Collector or Gate Keeper appointed to receive the Tolls upon the said Roads, to nominate or appoint some other fit Person in his Place, until the next Meeting of the said Trustees, which Person so to be nominated or appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects as the Person in whose Room and Stead he shall be so appointed; and that if any Collector or Gate Keeper who shall be discharged from his Office by the said Trustees, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances, held in right of his Office, within Three Days after Notice given him, or left at his House in Writing under the Hands of the said Trustees, or any Two or more of them, although not assembled at a Meeting in pursuance of this Act; or if the Wife and Family of such Collector or Gate Keeper who shall die as aforesaid, shall refuse to deliver up such House, Buildings, and Appurtenances within Three Days after such new Appointment shall be made as aforesaid, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County or Place where such Offender shall be or reside, 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 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 to put the new appointed Officer in Possession thereof.

On Death of
a Gate Keeper
Two
Trustees may
nominate
another until
the next
Meeting.

[Local.]

17 A

XVIII. And

Trustees may
sue and be
sued in the
Name of
their Clerk
or Treasurer.

XVIII. 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 Clerk or Treasurer, 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 Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the Trustees, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action, and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid by the said Trustees, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with, for or by reason of his being made Plaintiff or Defendant as aforesaid.

Power to
erect Turn-
pikes and
Toll Houses.

XIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, shall and may cause to be erected such and so many Toll Gates or Turnpikes and Toll Houses, in, upon, or across the said Roads comprised in this Act, and on or near the Sides thereof, and in, upon, or across any Lanes or Ways leading or that hereafter may lead into or out of the same, as they shall think proper; and shall and may, in Manner herein directed, purchase and take Land sufficient for such Toll House or Toll Houses, with necessary Accommodations thereto, not exceeding Two Roods; and from Time to Time remove, alter, or discontinue such Toll Gates, Turnpikes, and Toll Houses, or any of them, as they the said Trustees shall from Time to Time think meet and expedient.

Power to
remove the
Toll Gates.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time when and as often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected, in, upon, or across, or on the Sides of the said Roads comprised in this Act, to be removed to and erected in, upon or across, or on the Side of such other Part or Parts of the said Roads, as the said Trustees, or any Three or more of them, shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Twenty Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the said Roads, and inserted in One or more of the Newspapers generally circulated in the Neighbourhood of the said Roads.

Power to
purchase
Lands for
erecting Toll
Houses and
Gardens.

XXI. Provided also, and it is hereby further enacted, That if in any Part of the said Roads where it shall be necessary to erect any Toll House, the said Trustees shall not be enabled to inclose from the Sides of such Roads sufficient Ground for erecting such Toll House with suitable Buildings and other Conveniences thereto, and a fit Garden for the same, then and in such Case, the said Trustees shall have like Power of agreeing for, and purchasing any Lands necessary for erecting such Toll House and Buildings and making such Garden, not exceeding Two Roods, as is hereafter given

to them for purchasing Lands for the Purpose of widening, turning, making, or altering any Part of the said Roads.

XXII. And be it further enacted, That the Right and Property of all the Toll Gates, Turnpikes and Toll Houses, and other Buildings, and of all Mile Stones and Posts erected or provided by virtue of the said former Acts, or any of them, and to be erected by virtue of this Act upon the Roads comprised in this Act, and of all Materials already laid upon the said Roads for the Repairs thereof, and also all other Materials which shall be provided for making and repairing the said Roads, or any of them, by virtue of this Act, shall be vested in the Trustees of this Act for the Time being; and they are hereby empowered to cause any Actions to be brought, and any Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, spoil or damage any such Toll Gates, Turnpikes, Toll Houses, or other Buildings, or any such Materials as aforesaid. Turnpikes,
&c. vested in
the Trustees.

XXIII. And be it further enacted, That the several Tolls hereinafter particularly mentioned, shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates to be continued or erected by virtue of this Act, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being shall from Time to Time appoint for that Purpose, (except as hereinafter is expressly directed or provided to the contrary) before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same, *videlicet*: Power to
take Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing in any Coach, Chariot, Barouche, Chaise, Curricle, Chair, Landau, Berlin, Calash, Hearse or other such Carriage, the Sum of Sixpence: The Tolls.

For every Horse, Mare, Gelding, or other Beast, drawing singly or alone any Carriage of any Description whatsoever, the Sum of Sixpence:

For every Horse, Mare, Gelding, or other Beast, drawing in any Waggon, Wain, Cart, or other such Carriage (drawn by Two or more Horses or Beasts of Draught) the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, 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 Ten-pence *per* Score, and so in Proportion for any greater or less Number:

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

And between the First Day of *November* and the last Day of *February* in every Year, for every Horse or other Beast of Draught, drawing any Carriage, which shall be drawn by Two or more Horses or other Beasts, and employed in carrying or conveying any Timber, or Tree or Trees, a Toll equal to One-half, in Addition to the Toll which otherwise might be demanded and taken for such Horse or other Beast of Draught.

Which said respective Tolls by this Act imposed, and all other Tolls imposed by any Act or Acts of Parliament for regulating Turnpike Roads, upon Carriages laden with certain Weights, and upon Wheels of certain Widths or Constructions, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, Tolls vested
in Trustees.

How Tolls
recovered.

paid, applied, disposed of, and assigned, in such Manner as is hereinafter mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof by any Collector or Collectors or other Person or Persons authorized to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors or such other Persons as aforesaid, or any of them respectively, or any other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Cattle, Beast or Carriage, for or upon which any of the said Tolls are by this Act imposed, or any of the Lading Harness or Accoutrements thereof respectively (except the Bridle or Halter, apart from the Horse or other Beast) or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Person so distraining shall and may at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Articles so distrained, until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of the making such Distress, the Person or Persons so distraining, shall and may at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Articles so distrained, and out of the Money which shall arise by such Sale, pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

Carriages on
Wheels not
rolling a flat
Surface, to be
considered as
Carriages
with narrow
Wheels.

XXIV. Provided always, and be it further enacted and declared, That every Waggon, Wain, Cart, or other such Carriage, the Wheels whereof shall not roll a flat or level Surface, or a Surface so flat and level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof shall deviate more from the exterior Diameter thereof than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, shall be considered and deemed as a Carriage on Wheels rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine erected or to be erected on the said Roads, or any Part thereof, and shall pay the same Tolls and the same Rates of Weight as any Waggon, Wain, or Carriage on Wheels, rolling a Surface of less than Six Inches, is subject and liable to pay.

The settling
Disputes
concerning
Tolls.

XXV. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining, to retain such Distress or the Money arising from the Sale thereof, until the Quantity of the Tolls or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Quantity of the Tolls due; and such Justice may award such Costs and Charges to either Party as he shall think reasonable, and in case of Non-payment thereof on Demand, such Costs and Charges may by virtue of a Warrant under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same.

XXVI. And

XXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Collectors
may be
Witnesses

XXVII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the Tolls, or any other Person, to demand or take any more than One Toll in any One Day (such Day to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the succeeding Night), from any Person or Persons, for or in respect of the same Horse, Beast, Cattle, or Carriage, passing or repassing through the same Gate or Turnpike; such Person and Persons producing a Ticket denoting the Payment of the said Toll on that Day (which Ticket the Collectors are hereby required to deliver *gratis* on the Payment of such Toll.)

Tolls to be
taken once
a Day.

XXVIII. Provided always, and be it further enacted, That no more Toll or Tolls shall be demanded or taken from any Person or Persons passing and repassing the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes which shall be continued or erected by virtue of this Act, upon the several Roads comprised in this Act, than the respective Tolls hereinafter mentioned; (that is to say), upon the said Roads leading from *Hasteborough Bridge* to the Town of *Axminster*, and from *Whitedown* to *Tytherleigh Inn*, no more than Three full Tolls; upon the said Road leading from the Town of *Chard* to join the *Honiton* Turnpike Road, in the Parish of *Upottery*, no more than One Toll; and upon the said Road leading from *Chard* to join the *Taunton* Turnpike Road at *Staple Pound* in the Parish of *Staple Fitzpaine* aforesaid, no more than One Toll; and all and every Person and Persons having paid such Toll or Tolls as aforesaid, and producing a Ticket or Tickets denoting the Payment thereof (which Tickets naming and specifying therein the Toll Gate, if any, to be freed thereby, the Collectors of the Tolls are hereby directed to give *gratis*, on the Receipt of such Toll) shall pass and repass during the same Day, with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages, Toll-free, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, upon the said several Roads as last aforesaid.

Tolls limited.

XXIX. 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, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or 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

Carriages in
His Majesty's
Service not
to be subject
to Regula-
tions for
Overweight.

[Local.]

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Number

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.

Penalty on
evading Tolls.

XXX. And, for preventing the evading the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to, or receive from, any other Person or Persons any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeited Ticket, in order to avoid Payment of the said Tolls; or if any other Person or Persons, owing, renting, or occupying any Lands adjoining to the said Roads, or any of them, or near unto any Turnpike erected or to be erected thereon, shall permit or suffer any Person, not being the Owner or Occupier thereof, nor any of the Family, nor the Agent or Servant of any such Owner or Occupier, to pass through or over any Part of his, her, or their said Lands, with any Horse or other Beast or Cattle, for the Purpose of avoiding the Payment of any of the said Tolls; or if any Person or Persons shall ride or drive any Horse or other Beast or Cattle through or over any Way or Passage (not being a public Way or Passage) or through or over any Lands adjoining or near to any of the said Toll Gates or Turnpikes, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded; or if any Person or Persons shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to evade the Payment of any of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every such Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exemption
from Tolls.

XXXI. Provided likewise, and be it further enacted, That none of the Tolls hereby granted and made payable shall be demanded for any Horse or other Beast, or any Carriage either laden or unladen when employed in carrying Stones, Bricks, Lime, Wood, Gravel, or any other Materials for making or repairing the said Roads, or for erecting, altering, or repairing any Bridge or Toll House or Toll Gate on the said Roads, or for repairing any of the Highways in the Parishes or Townships in which the said Roads lie; or in carrying or conveying any Dung, Mould, or Compost for the manuring or improving of Land; or Hay, Corn in the Straw, or other Produce of Lands, to be laid up in the Houses, Outhouses, Barns, or Grounds, of or belonging to the Owners or Occupiers of such Lands; or any Ploughs, Harrows, or other Implements of Husbandry belonging to such Inhabitants respectively, or going or returning empty, when employed in any Manner as aforesaid; nor shall any of the Tolls hereby granted or made payable be demanded or taken from any Person or Persons residing in any of the Parishes or Townships in which the said Roads lie, who shall pass through any of the said Toll Gates or Turnpikes to or from Church, Chapel, or any other Place of Religious Worship, tolerated by Law, within the same Parish, on *Sundays* or Holidays, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending the Funeral of any Person who shall die; and be buried in any of the Parishes in which the said Roads lie; or any Rector, Vicar,

or

or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty; nor for any Horses, Mares, Geldings, or Cattle, going to or returning from Work in cultivating the Lands and Grounds within the same Parishes or Townships, or going to or returning from Pasture or Watering Places, or going to or returning from being shod; nor for any Horses or Carriages which shall be employed in conveying any Mail or Packet of Letters or Expresses under the Authority or Direction of His Majesty's Postmaster General, or his Deputies; nor for or in respect of any Horses of or belonging to Officers or Soldiers on their March or upon Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick or disabled Officers or Soldiers; 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 him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in carrying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, nor for any Horses or Carriages employed in carrying or conveying Vagrants sent by legal Process; nor for any Horse or Carriage carrying any Elector or Electors to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the respective Counties of *Somerset*, *Devon*, and *Dorset*; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXXII. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby empowered after One Calendar Month's Notice shall be given in Writing, to be affixed on all the said Turnpike Gates, and inserted in some public Newspaper published in the said Counties of *Devon*, *Dorset*, and *Somerset*, or One of them, to lessen or reduce all or any of the said Tolls granted by this Act, for and during such Time as they the said Trustees shall think proper; and afterwards from Time to Time if they shall see Occasion, to advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the several Rates granted by this Act; provided, that until the Money secured or borrowed on the Credit of the said Tolls shall be discharged, such Tolls shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Four-fifths of the Money remaining due upon such Tolls. Trustees may reduce Tolls, &c.

XXXIII. And be it further enacted, That it shall be lawful for the Trustees, or any Five or more of them, and they are hereby empowered; Tolls may be let.
at

at any Meeting upon Ten Days previous Notice in Writing being affixed on all the Turnpike Gates then erected across the said Roads, and published in some such Newspaper as aforesaid, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum they can reasonably get for the same; provided the Leases, Contracts or Agreements of or for the same be in Writing, and signed by the Person or Persons taking or farming such Tolls; but the same shall not be let for more than Three Years at any one Time, and the Rent which shall be agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the Treasurer to the said Trustees, by whom such Tolls shall be so let, so as that one quarterly Payment of the said Rent shall always be made in advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees, or in Default thereof, such Lease, Contract, or Agreement shall be void.

For recovering the Subscriptions.

XXXIV. And be it further enacted, That if the several Persons who have become Subscribers towards the Expences of obtaining and passing this Act, and of carrying the same into Execution, or any of them, shall, after Twenty Days Notice in Writing under the Hand of the Treasurer or Clerk of the said Trustees for that Purpose to him, her, or them given, 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 so subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for such Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, or Suit, against any Person or Persons so refusing or neglecting 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 Imparlanse shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice having been given as aforesaid, such respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered, with the full Costs of Suit.

Trustees may borrow Money.

XXXV. And, for the more speedy raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, so that the whole Amount of the Principal Money so borrowed do not at any one Time exceed the Sum of Ten thousand Pounds, provided that no Money shall be borrowed after the First Meeting of the said Trustees, unless Ten Days previous Notice thereof shall be affixed, in Writing, upon all the Toll Gates or Turnpikes then erected across the said Roads, and also published in some such Newspaper as aforesaid; and the said Trustees are hereby empowered, by any Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to assign over or mortgage the Tolls hereby granted, and the Turnpikes and Toll Houses already erected, or to be erected by virtue of this Act, or any Part thereof respectively; the Charges of such Assignments or Mortgages to be paid out of the said Tolls, during the Continuance of this Act, as a Security for the Re-payment of such Sum or Sums

of Money, with Interest for the same, to the Person or Persons who shall advance or lend such Money, his, her, or their Executors, Administrators, or Assigns; such Interest to be paid and payable by equal Half-yearly Payments, at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments may be made in the Form, or in any other Words to the Effect following:

BY virtue of an Act of Parliament made in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled [*set forth the Title of this Act*], we whose Names are hereunto subscribed and Seals affixed, being Three of the Trustees acting in Execution of the said Act, in Consideration of the Sum of _____ to the Treasurer of the said Roads in Hand paid by *A. B.* do hereby grant, bargain, sell and demise unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Act, to hold from henceforth for and during the Continuance of the said Act, unless the said Sum of _____ with Interest _____ after the Rate of _____ *per Centum per Annum*, shall be sooner paid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

Form of Security.

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and such Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Form, or in any other Words to the Effect following; (that is to say),

Copies of the Mortgages to be entered.

Transfer of Mortgages.

I A. B. being entitled to the Sum of _____ secured to _____ Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment bearing Date the _____ Day of _____ under the Hands and Seals of Three of the Trustees acting in Execution of a certain Act of Parliament, made in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] do hereby transfer all my Right and Title in and to the same, and all the Principal Money and Interest now due and owing thereon, unto *C. D.* his Executors, Administrators and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

And every such Transfer shall be produced to the Clerk to the said Trustees within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred,

Notice of Transfers to be given to Clerk in Three Months.

[Local.]

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ferred,

ferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments, and for which Entry the Clerk who shall enter the same shall be paid Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons making such Transfer to release or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments, except as herein-after is mentioned.

Application
of the Money.

XXXVI. And be it further enacted, That all Monies which shall arise and be produced by or from such Subscriptions as aforesaid, and by and from the Tolls by this Act granted and made payable, together with the Monies which shall from Time to Time be borrowed upon the Credit of the Tolls to be collected thereon, and all other Monies which shall arise or be produced under or by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied in the Order and Manner following; *videlicet*, in the First Place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and passing this Act, and of preparing Securities for the Sums so subscribed, or to be subscribed or borrowed; in the Second Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Road; in the Third Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of erecting and making necessary and convenient Bridges upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off and discharging the same several Principal Sums.

Money bor-
rowed under
former Acts,
to be first
paid.

XXXVII. Provided always, and be it further enacted, That no Interest for any Money borrowed or to be borrowed by virtue of this Act, by the said Trustees, on the Credit of the Tolls of the said Roads, shall be paid or discharged until the whole of the Interest of the Money borrowed by virtue of the said former Acts of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and of the Seventeenth and Fortieth Years of the Reign of His present Majesty, upon the Credit of the Tolls arising upon the Roads comprised in the said Second District shall be paid and discharged; and that all such Principal Monies borrowed by virtue of the said former Acts, shall be paid in Preference to any Principal Money to be borrowed by virtue of this Act.

For getting
Materials to
repair the
Roads.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said several Roads, and all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand or
other

other Materials, for making, forming, or repairing the said Roads out of or from any Common or Waste Ground, River or Brook, in any Parish, Township, District, or Place in which any Part of the said Roads hereby directed to be made, amended, and repaired shall lie, or in any adjoining Parish, Township, District, or Place, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, search for, cut, dig, get, gather and take away such Materials, in and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), paying or tendering such Rate for such Materials to the Owners of such Grounds, and making or tendering such Satisfaction for the Damages done by digging, getting, or carrying away such Materials, to the Owners or Occupiers of such Ground where and from whence the same shall be cut, dug, gotten, gathered and carried away, or over which the same or any other Materials for making the said Roads shall be carried, as such Trustees shall adjudge reasonable; and in case of any Difference between such Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, it shall and may be lawful to and for any One Justice of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or to be left at their respective Places of Abode, to hear, settle and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justice shall be final and conclusive to all Parties.

XXXIX. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or other Person, under the Authority of this Act, to dig, gather, get, take, or carry away Materials for making or repairing any of the said Roads, out of or from any inclosed Lands or Grounds, until Ten Days previous Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace, acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend, pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor, or other Person or Persons, to dig, get, gather and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such 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 Occupier or his Agent had attended pursuant to such Notice.

Notice to be given to the Occupiers of Lands, before Materials are to be taken for repairing Roads.

XL. And

Penalties on
taking away
Materials,
&c. got by
Order of the
Surveyor.

XL. And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been digged or gathered for the Purpose of making or amending the said Roads, or any Part or Parts thereof, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for making and amending the said Roads, or any Part or Parts thereof, before their said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein) such Materials not being previously dug or gathered (for his own private Use only, and not for Sale) every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Surveyors
may remove
Annoyances.

XLI. And be it further enacted, That it may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said several Roads, by Timbers, Stones, Carriages, Pits, Rails, Steps, Sign Posts, or other Posts, and also by Filth, Dung, Ashes, Rubbish or otherwise, and to divert or turn any Watercourses, Gutters, Conduits, Sinks or Drains running into, along or out of any of the said Roads, to the Prejudice thereof; and to open, scour, deepen, enlarge and cleanse any Gutter, Conduit, Ditch or Watercourse, adjoining or near to any of the said Roads; or at proper Seasons of the Year to cut down, lop or top such Trees or Bushes, not being for Ornament or Shelter to a House, growing in any of the said Roads, or in the Hedges, Banks, or Grounds adjoining thereto, not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House; and also from Time to Time to shear and cut the Tops and Sides of all such Hedges, Banks, and Fences, and to carry away the same respectively, in case the respective Owners or Occupiers where such Annoyances shall happen, or where the Person or Persons occasioning such Nuisance or Annoyance, or who ought to remove the same, or to cleanse such Ditch, Drain, Gutter, Conduit, Sink or Watercourse, or to cut down, lop or top such Tree or Trees or Bushes, shall refuse or neglect so to do for the Space of Five Days next after Notice in Writing given for that Purpose, signed by the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as is herein authorized or directed for the Recovery of any Penalty or Forfeiture imposed by this Act; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyors
empowered
to remove

XLII. 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

appoint from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees and other Things, as shall suddenly slide, fall, or be blown down, from any Hedge, Bank or Land, into or upon any Part of the said Roads, so as to narrow or obstruct the Passage along the same, and to carry and place the same on any Waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor or Surveyors shall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence such Earth, Trees, Roots, or other Things, shall so slide or fall, or be blown down as aforesaid; and the Charges of carrying the same (to be settled by the said Trustees) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as Penalties and Forfeitures for Offences against this Act are hereby directed to be recovered.

Sudden Obstructions without Notice.

XLIII. And be it further enacted, That if any Person shall ride upon any Footway adjoining the said Roads, or shall lead or drive any Horse, Cattle, or Swine, or any Carriage on any such Foot Way, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Swine, or other Beast or Cattle of any Kind into or upon the said Roads, or the Sides thereof; or if any Person shall without sufficient Cause, leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in or upon the said Roads, or the Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto (except in case of Accidents, and for such reasonable Time, and then standing as near to the Side of the Road as conveniently may be, as may be necessary to load or unload the same) every Person so offending shall forfeit and pay for the First Offence Ten Shillings, and for the Second and any subsequent Offence, any Sum not exceeding Forty Shillings.

Penalty for damaging Foot Ways or causing Obstructions on Roads.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall respectively appoint, by Order of the said Trustees, to cut and make any Drains, Ditches, or Watercourses through any Lands or Grounds adjoining or lying contiguous to any of the said Roads, and to erect and rebuild, and keep in repair Bridges and Arches upon the said Roads, and across any such Ditch, Drain, or Watercourse, and to make sufficient Barriers and other Erections on any Part or Parts of the said Roads, in order to prevent the same from being flooded or overflowed with Water, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any of the said Roads; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk or Avenue to any House) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said several Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages; making such reasonable Satisfaction to the Owners and Occupiers of such Lands, so to be cut through, used, or built upon, for the Damages which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees.

Surveyors may make Drains, &c.

making reasonable Satisfaction.

XLV. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts erected upon or near the

Roads to be measured, and Mile the

[Local.]

17 D

Stones and
Guide Posts
to be erected.

Penalty on
damaging.

Penalty on
drawing
Timber on
the Roads.

Plan depo-
sited with
Clerk of the
Peace.

the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place or Places, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Roads, where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person shall wilfully break, throw down, injure, destroy, obliterate or deface any of the Stones or Posts erected or to be erected on any of the said Roads, or any of the Letters, Figures, or Marks inscribed, or which shall be inscribed thereon, or wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, on any of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, for each Stone, Post, or Parapet Wall, so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety to be applied to the Purposes of this Act.

XLVI. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, except only on crossing the same, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Roads to the Prejudice thereof; or if any Person or Persons shall drive any Waggon or other Carriage, with any Wheel thereof dragged or stopped from going round, upon any Part of the said Road, where the Descent thereof shall not be above Two Inches and an Half in the Length of Three Feet, every Person so offending and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Forty Shillings, One Half whereof shall go to the Informer.

XLVII. And whereas a Map or Plan describing the Line of the said Road leading from the Town of *Chard* to join the *Honiton* Turnpike Road in the Parish of *Upottery* aforesaid, and the Lands through which the same passes, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace of each of the said Counties of *Somerſet*, *Devon*, and *Dorſet*; be it therefore further enacted, That the said respective Maps or Plans and Books of Reference, shall remain with the Clerk of the Peace of each of the said Counties; and all Persons shall at any reasonable Time have Liberty to inspect, peruse, and examine and take Extracts from or Copies of the same at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference after the Rate of Four-pence for every Seventy-two Words; and the said respective Plans and Books of Reference so deposited, or true Copies or Extracts of or from the same or any of them, signed by any such Clerk of the Peace as aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere; and the Trustees acting in the Execution of this Act in making the said Road, shall not deviate more than One hundred Yards from the Line thereof described in such Maps or Plans and Books of Reference so deposited as aforesaid, without the previous Consent in Writing of the Owners or reputed Owners and Occupiers respectively for the Time being, of the Lands or Grounds upon or over which any such Deviation shall be made: Provided always, that no

Advantage

Advantage shall be taken of or against the said Trustees acting in the Execution of this Act, or any Interruption be given to the making the said Road, on Account of any Error or Omission in the said respective Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County, Town or Place, in which the Parish or Place to which such Error or Omission may apply shall be situate; and it shall be certified by Writing under his and their Hand or Hands, that such Error or Omission appeared to proceed from Mistake.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered from Time to Time as they think proper, to make, repair, widen, vary or alter the Road described in the said Maps or Plans (subject to the Restrictions herein-before mentioned) through or over any Common or Waste Ground, without making any Satisfaction for the same, and through or over any private or inclosed Lands, Tenements, or Hereditaments (except as herein-after mentioned) first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees or their Clerk, or any other Person or Persons by them duly authorized, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, and Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain, by making, widening, diverting, turning, or altering any Part or Parts of the said Roads; and the said Lands, Tenements, and Hereditaments so purchased or any Part thereof, shall and may by the Order and Direction of the said Trustees, be laid into and made Part of the said Roads, in such Manner as such Trustees shall think convenient; and shall by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after such Lands or Grounds shall be so drained, ditched, and fenced out, the same shall to all Intents and Purposes whatsoever become and be and be deemed and taken to be a Public and Common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means and in such Manner as the old Roads were and ought to have been kept in Repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands or Grounds comprised in or constituting the former Road, in lieu whereof such Land or Ground shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof, being executed by the said Trustees, and inrolled with the respective Clerks of the Peace for the said Counties of *Somerset*, *Devon*, or *Dorset*, according to the County in which such Lands or Grounds shall lie, shall be good and effectual to all Intents and Purposes.

Trustees may purchase Lands for making the new Road.

XLIX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Females Covert, or Cestuique Trusts, Idiots, Lunatics, or any other Persons under any Disability

Corporations empowered to treat.

Disability

Disability of acting for themselves, and for all and every Person or Persons who are or shall be seized or possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat or agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to such Trustees for the Purposes aforesaid; and that all Contracts, Agreements, Sales and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes; any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands and Trustees, Bodies Politic, Corporate or Collegiate, Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

In case of Persons not treating, a Jury to settle the Recompence.

L. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any Lands, Grounds, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees or other Trustees, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the said Premises, shall by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating; then and in every such Case the said Trustees shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the Counties of *Somerset, Devon, or Dorset*, according to the County in which the Premises in question shall happen to lie (which Oaths the said Trustees, or any One or more of them, is and are hereby empowered to administer) what Damage shall be sustained by and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon account of taking or using such Lands, Tenements, or Hereditaments for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any One or more of them, is and are hereby empowered and required to administer) and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons so interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order and Determination so had and made, shall

Verdict of Jury to be final.

shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder or otherwise, and all and every such Owners, Proprietors, Occupiers and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest or Property of, in, to, or out of the same; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants signed by them, to the Sheriff of the County where such Lands, Tenements, or Hereditaments are situate, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on any such Sheriff or his Deputy who shall make Default in the Premises; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, unless prevented by Sickness or other sufficient Cause; or after having appeared shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse to be sworn, or to be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

Jury may be challenged.

Sheriff or Mayor may be fined for Neglect of Duty.

LI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money than shall by or on the Behalf of the said Trustees have been offered before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, then the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by such Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Damage as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons who declined to accept such Offer;

By whom Expences of the Jury to be paid.

[Local.]

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which

which Costs and Expences (being settled by some Justice of the Peace, who is hereby authorized to settle the same) shall be recoverable by such Ways and Means as Penalties and Forfeitures are hereby authorized to be recoverable: Provided always, that in case any Person shall, by reason of Absence from *England*, have been prevented from treating, such Costs and Expences shall be paid by the said Trustees.

Lands, &c.
to be Part of
the Road, on
Payment of
the Purchase
Money.

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

LIII. Provided

LIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees, or any other Person or Persons, to purchase, take, or damage any Dwelling House or other Building; or to purchase, take, or damage, any Garden, Orchard, Yard, Walk, or Avenue to a House or Plantation, or Nursery of Trees, without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation, or Nursery of Trees respectively, under their respective Hands for that Purpose first had and obtained.

Houses, &c.
not to be
taken with-
out Consent.

LIV. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter, any Part or Parts of the said Roads, or make any new Road, the said Trustees shall make or cause to be made proper Walls or Quickset Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep the Quickset Fences so to be made, in good Order and Repair for the Term of Three Years from the Time that such Quickset Fences shall have been made.

New Road
to be fenced
by Trustees.

LV. Provided always, and be it enacted, That whenever the Course of any of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case he shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of such Conveyance as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record: Provided nevertheless, that if such Owner shall be willing and consent to take such old Road in Exchange for such new Road, it shall be lawful for the said Trustees to convey and assure the same to such Person, his or her Heirs and Assigns.

Owner of the
adjoining
Land to have
the first Offer.

LVI. 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 this Act, which shall belong to any Body Politic, Corporate or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on the Behalf of an Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 High Court of Chancery, to be placed

Application
of Compen-
sation when
equal to
200l.

placed to his Account *ex parte* the Trustees for executing 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 and 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 any other Hereditaments, standing settled therewith, or 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 said Lands, Tenements and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation when
less than
200l. and ex-
ceeding 20l.

LXVII. Provided always, and be it enacted, That if any Money so agreed and awarded to be paid for any Lands, Tenements and 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 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 by Three or more of the Trustees, acting in the Execution of this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and appointing Parties), in order that such Principal Money
and

and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LVIII. Provided also, and be it 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 this Act, in such Manner as the said Trustees or any Three 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.

LIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, and Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the 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, and 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 of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

Purchase Monies to be paid into the Bank of England in certain Cases.

LX. 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 said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof,

In case of not making out Titles, &c.

thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of 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 or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or 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 to 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.

Court of Chancery may order Expenses of Purchases to be paid by Trustees.

LXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands 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 thereof, it shall be lawful for the said Court to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Regulations as to Performance of Statute Duty.

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 said Roads, or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them by the said Trustees, or any Two or more of them, or by their Treasurer, 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 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 or Treasurers; and in order thereunto it shall be lawful 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

made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repairs of 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 shall appear to be subject and liable to 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 on 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 Money in lieu of or as a Compensation for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall 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 authorized or directed to be recovered by this Act; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent 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 dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending 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 and 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.

LXIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant, upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath); and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned

Recovery and
Application
of Penalties.

turned upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making the Distress and Sale; and the Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Appeal.

LXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been herein-before provided (save and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing, herein-before directed to be final) such Person or Persons may, within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace for the County where the Matter of Complaint shall have arisen, at their General Quarter Sessions of the Peace, to be holden for the same County, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof to the Clerk or Clerks, or Treasurer or Treasurers, to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the same County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the Justices at such Quarter Sessions, and to pay such Costs as shall be awarded against him, her, or them by the said Justices; and the Justices at their said Sessions on due Proof of such Notice having been given as aforesaid, and of entering into such Recognizance, shall proceed in, hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award Costs to the Party appealing or appealed against, as they shall think proper, and their Determination shall be final, binding, and conclusive, to all Intents and Purposes.

Proceedings not to be quashed for want of Form, &c.

LXV. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Distress not to be deemed unlawful for Want of Form.

LXVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other

other Proceedings relating thereto ; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining ; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

LXVII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact being committed ; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise and not elsewhere ; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or 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 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 other Cases by Law.

Limitation
of Actions.

LXVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action ; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, 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 or Defendants in any such Action by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they, shall think fit ; whereupon such Proceedings, Order and Judgment shall be made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not
to recover
after Tender
of Amends.

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

Public Act.

Commence-
ment and
Continuance
of this Act,

LXX. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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