



ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.



Cap. liv.

An Act for reviving and continuing the Term and enlarging the Powers of an Act of His present Majesty, for repairing the Road leading from *Stratford-upon-Avon* to *Edghill* in the County of *Warwick*. [19th May 1819.]

WHEREAS by an Act passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road leading from Stratford-upon-Avon to Edghill in the County of Warwick, and for repealing the several Laws now in force relating to the said Road*, several Tolls and Duties were granted and made payable, and divers Powers and Authorities were given for repairing, widening, and altering the said Road, to commence on the Twenty-fourth Day of *June* One thousand seven hundred and seventy-nine, and to continue until the Twenty-fifth Day of *July* One thousand seven hundred and ninety-five, and from thence to the End of the then next Session of Parliament, and from and after the Expiration of that Term for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and which said last-mentioned Term expired at the End of the last Session of Parliament: And whereas the Money borrowed on the Credit of the Tolls authorized to be collected upon the said Road by virtue of the said recited Act is still due and owing, and cannot be paid off, nor can the

[Local.]

15 L

said

19 G.3.c.91.

Recited Act
further con-
tinued.

faid Road be effectually improved and kept in Repair, unless the Term of the faid Act be revived and continued for a further Term; and it is expedient that some of the Powers and Provisions of the faid Act should be amended, altered, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the faid recited Act passed in the Nineteenth Year of the Reign of His present Majesty, and all and every the Tolls, Authorities, Powers, Privileges, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions, and Clauses therein contained (except such as are hereby varied or altered, or such as are repugnant to any of the Clauses and Provisions of this Act) shall be and are hereby revived, and shall continue in full force and effect, and together with this present Act shall be put in execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same Tolls, Authorities, Powers, Privileges, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions and Clauses herein referred to (except as aforesaid), were repeated and expressly inserted and enacted in this present Act; and this Act and the Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the faid recited Act, and of such other Sum or Sums of Money as may be borrowed by virtue of this Act, and the Interest due and to grow due thereon respectively.

Trustees in-
demnified for
having acted
since the Ex-
piration of the
former Act.

II. And be it further enacted and declared, That all Receipts and Payments of Money, and all other Acts, Matters, and Things, which since the Expiration of the faid recited Act of the Nineteenth Year of the Reign of His present Majesty have been made, done, executed, authorized, permitted, or suffered by the Trustees for executing the faid Act or any of them, and by the Lessees, Collectors, and Receivers of the Tolls hereby granted or any of them, and by all other Officers and Persons respectively, touching or in anywise concerning the altering, amending, or repairing of the Road described in the faid Act or any Part thereof, or the Exercise or Execution of any of the Powers, Authorities, or Trusts in or by the faid Act contained or granted, shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if the faid recited Act had continued in full force and effect until the Day of the Commencement of this Act; and the faid Trustees, and also the several Lessees, Collectors, Receivers, and other Officers, and all other Persons whomsoever acting under the Authority of the faid Trustees since the Expiration of the faid Act, shall be and are hereby indemnified for what they shall have done in pursuance of the faid Act since the Expiration thereof, in as full, ample, and effectual a Manner as they would have been if the faid Act had continued in force until the Day of the Commencement of this Act: Provided always nevertheless, that in case any Action or Actions shall have been commenced and prosecuted since the Expiration of the faid recited Act, and before the passing of this Act, against the faid Trustees or any of them, or against any Lessee, Collector, Receiver or other Officer acting under their Authority, for any thing done in
pursuance

purfuance of the faid Act, the faid Trustees or other Perfons as aforefaid, againft whom fuch Action or Actions may have been brought and profecuted, fhall be fubject and liable to the Payment of all Cofts incurred in fuch Actions up to the Time of the paffing of this Act, in like Manner as they would have been in cafe they had not been indemnified by this Act for what they have done in purfuance of the faid Act fince the Expiration thereof.

III. And be it further enacted, That the Mayor and Two Senior Aldermen of the Borough of *Stratford-upon-Avon* for the Time being, the Reverend *Arthur Annesley*, the Reverend *Robert Barnard*, *Francis Canning*, *Robert Canning*, the Reverend *James Davenport* Doctor in Divinity, the Reverend *Edward Davenport*, *Robert Dormer*, *Edward Morant Gale*, *William Harding*, *Edward Townsend Higgins*, the Reverend *Henry Hollyoake*, *William Little*, *Thomas Bevington Lowe*, *George Lucy*, the Reverend *John Lucy*, *Fiennies Sanderfon Miller*, *Charles Mills* M.P., the Reverend *Francis Mills*, *Sir Charles Mordaunt* Baronet, M.P.; *Samuel Peach*, the Reverend *Riley*, *Evelyn John Shirley*, *Charles Shirley*, *Sir Gray Skipwith* Baronet, *George Smith*, the Reverend *Thomas Snow*, *Edward Stanley*, *Gore Townsend*, the Honourable *Henry Verney*, *James Roberts West*, and the Honourable *Francis Seymour Conway*, commonly called the Earl of *Yarmouth*, and all and every the Juftice and Juftices of the Peace acting in and for either of the Counties of *Warwick* or *Worcefter* (being qualified according to the Directions of this Act), fhall be and they are hereby added to and joined with the furviving and remaining Trustees appointed by or in purfuance of the faid recited Act, for putting the faid Act and this Act in Execution, and fhall have the like Powers for that Purpose as if they had been appointed Trustees in or by virtue of the faid recited Act.

Additional
Trustees.

IV. And be it further enacted, That no Part of the faid recited Act which relates to the Qualification of Trustees fhall be revived by this Act; and from and after the paffing of this Act no Perfon fhall be capable of acting as a Trustee in the Execution of the faid recited Act and this Act, unlefs at the Time of his acting therein he fhall be in his own Right, or in the Right of his Wife, in the actual Poffeffion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; or fhall be Heir Apparent of a Perfon having fuch Eftate of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or be poffeffed of a Personal Eftate alone, or of a Real and Personal Eftate together, to the Amount of Four thousand Pounds, nor (except in adminiftering the Oath or Affirmation herein-after mentioned) until he fhall have taken and fubfcribed, before one or more of the faid Trustees, an Oath or (being one of the People called *Quakers*) an Affirmation in the Words or to the Effect following; (that is to fay),

Qualification
of Trustees.

‘ I *A. B.* do fwear [or, being one of the People called *Quakers*, do
‘ folemnly affirm], That I am truly and *bonâ fide* in my own Right, or
‘ in the Right of my Wife, in the actual Poffeffion and Enjoyment or
‘ Receipt of the Rents and Profits of Lands, Tenements, or Heredi-
‘ taments of the clear yearly Value of One hundred Pounds above
‘ Reprizes;

Oath or
Affirmation.

Reprizes; or am the Heir Apparent of *A. B.* who to the best of my Knowledge is entitled to a Real Estate of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or that I am possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds. So help me GOD.

And if any Person not being qualified as above mentioned shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Suit, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Act and this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said recited Act and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees not to administer Oaths to Accountants.

V. And be it further enacted, That it shall not be lawful for the Trustees for executing the said recited Act and this Act to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said recited Act or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, or to require any such Officer or Officers to verify the same on Oath, any thing in the said recited Act contained to the contrary notwithstanding.

Justices of the Peace being Trustees may act in both Capacities, and Mortgagees may act as Trustees.

VI. And be it further enacted, That any Trustee or Trustees appointed or to be appointed by virtue of the said recited Act or this Act, who shall or may be in the Commission of the Peace, may act as a Justice or Justices of the Peace, within his or their respective Jurisdictions, in the Execution of the Powers of the said recited Act and this Act (except only in Cases where he or they shall be personally interested); and all Mortgagees or Lenders of Money upon the Credit of the Tolls granted by the said recited Act and this Act, or receiving Interest thereout, may also act in the Execution of the Powers of the said recited Act and this Act, notwithstanding their being such Creditors.

Meetings of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at *Stratford-upon-Avon* aforesaid, on the Sixth Day of *August* One thousand eight hundred and nineteen, and proceed to the Execution of the said recited Act and of this Act, and from Time to Time afterwards adjourn themselves and meet at the same Place, or any other Place upon or near the said Road, as often as it shall be necessary for putting the said recited Act and this Act in execution; and if at their first or any other of their Meetings, there shall not appear a sufficient Number of Trustees

to

to constitute a Meeting (Five Trustees being hereby declared a sufficient Number to form a Meeting for the Purposes of the said recited Act and this Act); or in case the Trustees at any Meeting assembled shall not adjourn themselves, then their Clerk shall adjourn the said Meeting and appoint the said Trustees to meet at the same Place where the last Meeting was appointed to be holden, on any Day not exceeding Six Weeks after the Day on which such last Meeting was appointed to be held, and so from Time to Time, until a sufficient Number of the said Trustees do or shall meet and adjourn; and Ten Days Public Notice of such Adjournment shall be given by the Clerk to the said Trustees, by affixing the same on all the Turnpikes which shall be then standing upon the said Road, and the Majority of the Trustees assembled at any Meeting shall and may do and perform all Acts, Matters, and Things as may be thought necessary for carrying this Act into Execution.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or continue the Person who has been or shall be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to appoint or continue the Person who has been or shall be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Offices of Clerk and Treasurer not to be held by the same Person.

IX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls to be collected by virtue of the said recited Act or this Act, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Accounts to be kept of Receipts and Disbursements.

[Local.]

15 M

X. And

ACTIONS to
be brought
in the Name
of the Clerk.

X. And be it further enacted, That in all Actions, Causes, Indictments, Prosecutions, Trials, and Proceedings at Law, to be had, brought, prosecuted, or defended in pursuance of the said recited Act or this Act, the said Trustees may sue and be sued in the Name of their Clerk; and no Action or Proceedings as aforesaid shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or defended, or by the Act of such Clerk without the Consent of the said Trustees, but the Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended as aforesaid, shall be fully reimbursed and paid, out of the Monies to arise by virtue of the said recited Act or this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceeding he shall sustain or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant.

Disputes
concerning
Tolls to be
settled by a
Justice.

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

Collectors
declared com-
petent Wit-
nesses.

XII. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise, touching or relating to the Tolls arising by virtue of the said recited Act or this Act, the Collector or Collectors thereof, or any Person or Persons acting by or under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent or disqualified to give Evidence in any such Dispute, Suit, Litigation, or Appeal, by reason of such Appointment.

Power to de-
clare Leases
void on Non-
payment of
Rent.

XIII. And be it further enacted, That if after any letting, or Agreement for letting the said Tolls, or any Part thereof, or any Weighing Machine or Machines erected or to be erected on the said Road, Default shall be made in Payment of the Rent agreed to be paid for the same or any Part thereof, on the Days appointed for Payment thereof, then and in such case the said Trustees shall and may, and they are hereby empowered at any Meeting, after Notice of holding such Meeting shall

have

have been given to the Lessee or Lessees of the said Tolls or Weighing Machine or Machines, or left at his, her, or their Dwelling House or usual Place of Abode, and shall have been also affixed upon all the Toll Gates or Toll Bars then erected or standing upon or across the said Road, Seven Days at least before such Meeting, to declare void any Lease of the said Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the same, and such Lease, Contract, or Agreement shall be thereupon void to all Intents and Purposes, from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing by virtue of such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences, which the said Trustees or their Treasurer for the Time being shall or may pay, sustain, or be put unto by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

XIV. And be it further enacted, That if the Lessee or Lessees of any of the Tolls authorized by the said recited Act or this Act to be taken, or of any Weighing Machine or Machines to be erected on the said Road, or any Person or Persons claiming under him, her, or them, shall at or at any Time after the Expiration of the Term for which such Tolls or Weighing Machine or Machines shall be leased, or for the Space of Two Days after the Demise of such Tolls or Weighing Machine or Machines shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Weighing Machine or Machines, and the Buildings, Premises, and Appurtenances thereunto belonging, which shall have been demised to him or them with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, shall be situate respectively, by Warrant under his Hand and Seal to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll-Houses, Buildings and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll-house or Toll-houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees shall appoint in Possession of the said Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, so that the Tolls payable thereat may thenceforth be received and taken for the Use of the said Trustees, to be applied as by the said recited Act and this Act is directed.

For obtain-
ing Posses-
sion of Toll
Houses.

XV. And be it further enacted, That upon Payment of any of the Tolls authorized to be collected by virtue of the said recited Act or this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and all such Notes or Tickets shall be provided by the said Trustees,

Tickets to be
printed.

Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which under the Provisions of the said recited Act or this Act (if any) are allowed to be passed free for Payment of such Toll.

**Punishing
Toll Collect-
ors misbe-
having.**

XVI. And be it further enacted, That all and every the Toll Collectors being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act or this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in Black Letters on a White Ground or White Letters on a Black 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 or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or of the Orders or Resolutions of the Trustees made in pursuance thereof, 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 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 denoting the Payment of the Tolls, and naming and specifying thereon the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, 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 Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied.

**General Ex-
emptions
from Toll.**

XVII. And be it further enacted, That none of the Tolls authorized to be taken by virtue of the said recited Act or this Act shall be demanded, taken, or received at any of the Turnpikes or Toll Gates, erected or to be erected or continued upon the said Road, for any Horses or Carriages belonging to or conveying or attending His Majesty or any of the Royal Family; or for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the
Horses

Horfes belonging to any Officers or Soldiers on their March or on Duty, or for any Horfes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any fuch Officers or Soldiers, or in carrying any fick, wounded, or difabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatfoever, or the Horfe or Horfes drawing the fame, which fhall be employed in conveying any Ordnance, Barrack, or Commiffariat, or other public Stores of or belonging to His Majesty, or for the Ufe of His Majesty's Forces; or for the Horfes of any Rector, Vicar, or Curate, going to or returning from his own Parifh Church, or other Place of Divine Worship, or vifiting his fick Parifhioners, or from any Perfon or Perfons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Perfon or Perfons going to or returning from his, her, or their ufual Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Worship is or fhall be ordered by Authority to be celebrated, or attending the Funeral of any Perfon or Perfons who fhall die and be buried in any Parifh, Hamlet, or Place, through which any Part of the faid Road lies; or for any Horfes, Beafts, Cattle, or Carriages ufed or employed for the Purpose only of carrying or conveying Perfons to or from any Election of a Knight or Knights of the Shire to ferve in Parliament for the County of *Warwick*, on the Day or Days of fuch Election, or on the Day before or Day after fuch Election fhall begin or be concluded; or of carrying or conveying Vagrants fent by legal Paffes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Ufe of the Owner, and not for Sale or purchafed, or returning empty having been fo employed; or of carrying or conveying at any Time between the First Day of *May* and the First Day of *November*, and at fuch other Times, if during Frost, as the faid Trustees, or any Five or more of them, either at a Meeting or otherwise, fhall order or direct, any Dung, Mould, Manure, or Compoft, to be ufed only for manuring the Land, or going or returning empty in that Employment; or for any Horfes, Beafts, Cattle, or Carriages of any Description employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Plough, Harrow, or other Implement of Husbandry, unlefs the Carriage bearing any fuch Plough, Harrow, or other Implement of Husbandry be alfo laden with any other thing not hereby intended to be exempted from Payment of Toll; or for any Horfe, Beaft, or other Cattle, paffing to or repaffing from Water or Pasture; or for any Horfe, Beaft, or other Cattle, when going to or returning from being fhod or farried; or for any Horfe, Beaft, Cattle, or Carriages ufed or employed for the Purpose only of carrying or conveying Materials for the making or repairing any Highway or Public Road within any fuch Parifh, Hamlet, or Place in which the faid Road doth lie, or for rebuilding, building, or repairing any prefent or future Bridge or Bridges on the faid Road under this Truft; or for any Horfe, Beaft, Cattle, or Carriage, which fhall cross the faid Road only, or fhall not pafs more than One hundred Yards thereon; or for any Horfe, Mare or Gelding, furnifhed by or for any Perfon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercife, Infpection, or Review, provided that fuch Perfon is in the Uniform of his Corps, and has his Arms, Fur-

[Local.]

15 N

niture,

niture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Deviation not to exceed more than 100 Yards from the present Road without consent.

XIX. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road, under the Powers of the said recited Act or this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

An Action of Ejectment may be supported by one Mortgagee.

XX. And be it further enacted, That if any Mortgagee or Mortgagees of the Toll Gates, Bars, Chains, Toll Houses and Buildings erected or to be erected by virtue of the said recited Act or this Act, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, or of the Tolls authorized to be collected thereat, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession, but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls, which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of Compensation if amounting to 200l.

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act for the Purposes thereof, which shall belong to any Body Corporate,

Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees or other Trustees, or to any Females or Female Covert, or other incapacitated Person or Persons, or to any Person or Persons seized for Life or Lives of any other Estate in strict or other Settlement, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex-parte* the Trustees for executing the said recited Act and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, without Fee or Reward, to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order, made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Monies 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 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 the Conveyance and Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be vested 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 meantime, and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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 Lands, Tenements,

When less than 200l. and exceeding 20l.

or

or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing the said recited Act and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, as far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where not more than 20l.

XXIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or 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.

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

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Three or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such case it shall be lawful for the said Trustees or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid 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, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments, [describing them], subject to the Order, Control, 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

of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXV. 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 the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest 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, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XXVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act or 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 Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging-post thereof shall be Thirty Feet at least from the Centre of such Parts of the said Road; and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure, having any Gate opening contrary to the Directions of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung in the Manner hereby directed, whenever the same shall be practicable; but

Gates to open inwards.

[Local.]

15 0

in

in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in default thereof, the Surveyor of the said Road is hereby authorized to cause such Gate to be so hung; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace for the County in which any such Gate shall be fixed, and upon Conviction thereof upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum of Money, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

For getting
Materials to
repair the
Roads.

XXVIII. And be it further enacted, That notwithstanding any thing in the said recited Act contained, it shall not be lawful for the Trustees acting in the Execution of the said recited Act and this Act, to authorize or empower any Surveyor or Surveyors to get Materials for repairing the said Road, but it shall and may be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, Chalk, Furze, Heath, or other Materials for making or repairing the said Road, out of any Waste or Common Ground, common River or Brook, in any Parish, Town, or Place adjoining the said Road, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, common River or Brook, then and in such case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Two Justices of the Peace for the County in which the Land may be situated, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons in any Parish or Place in which the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to any House, or a Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Road shall be carried, as the said Justices shall adjudge reasonable.

Notice to be
given before
Materials
taken.

XXIX. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Act, to dig, gather, get, take, or carry away any Materials for repairing such Road, out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof, first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Owners or Occupiers of the Premises

from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, in such Manner as is directed by the said recited Act, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may, upon Proof on Oath of the Service of such Notice, and which Oath any One of such Justices is hereby empowered to administer, make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

XXX. And be it further enacted, That if any Person or Persons shall take and carry away any Materials which shall have been dug or gathered for the Purpose of repairing or amending the said Road, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued therein for the Space of Twenty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) all and every such Person and Persons so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyor.

XXXI. And be it further enacted, That no Part of the said recited Act, which relates to the Performance of Statute Work on the said Road, shall be revived by this Act, and all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the Counties of *Warwick* and *Worcester* within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees; or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet 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 to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Five Days after the serving of such Summons), of the Names of the several Persons who within such Parish,
Hamlet,

Statute Work.

Hamlet, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways in *England*; and out of such Lists the said Justices shall and may 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 Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways in *England*; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid; as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, 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, or shall refuse or neglect to collect or pay over such Composition, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXXII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction, Guide, or Mile Post, or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining to the said Road, or shall drive any Horse, Beast or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn, upon any Part of the said Road, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Road to the Prejudice thereof; or if any Person, driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person shall turn or suffer any Horse, Mule, Ass, Beast or Swine, to be turned or to run loose or stray on, or to be or remain upon the said Road, to graze or to depasture on the Sides thereof; or if any Higler, Cricker, Hawker, Pedlar or other Person, travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule or Ass, shall pitch any Tent, or encamp upon or by the Side of any Part of the said Road; or if any Person driving any Carriage upon the said Road shall ride on the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage, on his or her left or near Side of the said Road, and also keep on the same Side himself, or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Road the Stone or other thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball, or any other Game or Games on any Part of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side, and within Thirty Feet of the Centre of the said Road, longer than may be necessary to load or unload the same, (and then such Carriage shall be placed as near to the Side of the said Road as conveniently may be), either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences now standing, or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up, any of the Soil between any Part of the said Road and such Fences as aforesaid for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying on his own Ground, and be carried away without being brought over any Part of the said Road, or that the same

Penalty on
damaging
Roads, &c.

[Local.]

15 P

be

be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as Forfeitures or Penalties are by the said recited Act directed to be recovered and applied; and it shall be lawful for the Surveyor of the said Road, or any Person employed to work thereon, to take, lead, and drive away and impound any Horse, Mule, Ass, or other Beast, found grazing and depasturing on the Side or Sides of the said Road, and unless such Penalty shall be paid within Five Days after such impounding, such Horse, Mule, Ass, or other Beast may be sold to satisfy such Penalty, and the Overplus of the Money (if any) to arise by any such Sale shall after Payment of all the Costs and Charges of taking and keeping such Horse or other Beast and making such Sale be paid on Demand to the Owner or Owners of the Horse or other Beast so impounded and sold as aforesaid.

Persons not to be sued under Fourteen Days Notice, nor after Three Calendar Months.

XXXIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done or alleged to be done in pursuance of the said recited Act or this Act, until Fourteen Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, and every such Action shall be brought, laid, and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead specially or the General Issue not Guilty, and give the said recited Act and this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said recited Act or this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fourteen Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County than the County in which such Action shall have arisen, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or have discontinued 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 recovering the same, as any Defendant or Defendants hath or have in any Cases by Law.

For securing transient Offenders.

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

the Peace of the County where the Offence or Offences shall be committed, to be dealt with according to Law.

XXXV. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which may have been advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Act, or out of the first Monies which shall be raised or borrowed upon the Credit of this Act, or out of any Money to be collected by virtue hereof, in preference to all other Payments whatsoever.

For paying
the Expences
of this Act.

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

Public Act.

XXXVII. And be it further enacted, That this Act shall commence and take Effect on the passing thereof; and this Act and the said recited Act (subject to the Alterations and Amendments herein contained) shall thenceforth be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1819.

1870
The first of the year was a very
dry one, and the crops were
very poor. The weather was
very hot, and the crops were
very dry.

The second of the year was a
very wet one, and the crops
were very good. The weather
was very cool, and the crops
were very green.