



ANNO TERTIO

GEORGIIV. REGIS.

Cap. cv.

An Act for repairing, widening, and maintaining several Roads in the Counties of *Dorset* and *Devon* leading to and through the Town of *Axminster*. [15th July 1822.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from a certain Intrenchment on Askerwell Hill, opposite to Chilcombe Farm, through the Town of Bridport to Penn Inn, and from Bridport aforesaid, to the Town of Beamister in the County of Dorset; and also the Road from Penn Inn aforesaid, through the Town of Axminster, to the Workhouse at the East End of the Town of Honiton in the County of Devon: And* whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of so much of an Act made in the Twenty-seventh Year of the Reign of His late Majesty, for repairing several Roads in the Counties of Dorset and Devon, as relates to the Road from Penn Inn in the County of Dorset, to the Workhouse at the East End of the Town of Honiton in the County of Devon, and to the Road from the Intrenchment on Askerwell Hill to Penn Inn, and from Bridport to Beamister; and for repairing and amending several other Roads therein mentioned, in the Counties of Dorset and Devon: And* whereas another Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, widening, and keeping in Repair the Road from*

27 G. 2. c. 32.
5 G. 3. c. 75.
32 G. 3. c. 144.

[Local.] Penn

Penn Inn in the County of Dorset, to or near Shipley Lane in the Parish of Honiton in the County of Devon; and from Northcote Lane in Honiton aforesaid, to or near Collumpton in the said County of Devon, and several other Roads in the Counties of Dorset, Devon, and Somerset; and for repealing so much of an Act passed in the Thirty-first Year of the Reign of King George the Second, intituled 'An Act for repairing and widening several Roads in the Counties of Dorset and Devon, leading to and through the Borough of Lyme Regis,' as relates to the Road from Fair Mile Inn to Straightway Head, otherwise Stretwood Head, in the Parish of Whimble, in the said County of Devon: And whereas the Road leading from Penn Inn in the County of Dorset, through the Town of Axminster, to the Distance of One hundred Yards East of the Entrance into Shipley Lane; and also the Road leading from Sectar Lane End at the East End of the Town of Axminster, as far as Quandoes Gate at the End of Hawkchurch Down; and also the Road leading from Quandoes Gate over Hawkchurch Down, towards the Lyme Regis Turnpike Road, in the Parishes of Hawkchurch and Whitechurch Canonieorum, in the said County of Dorset; and also the Road leading from a House called the Old Inn, in the Parish of Kilminster in the County of Devon, through the Parish of Shute, to the Town of Colyton, over Colyton Hill and Stoford Common, home to the Lyme Regis Turnpike Road, at or near Bovey Gate, within the Parish of Colyton in the said County of Devon; and from the White Hart Inn in the Town of Axminster aforesaid, through the several Parishes of Axminster, Musbury, and Axmouth, in the said County of Devon, home to the Lyme Regis Turnpike Road, at or near Boswell Hill Turnpike Gate; and also a Line of Communication with the said Axmouth Road in the said Parish of Musbury, leading from Long Mead Lane to a Place called Louds Corner, in the said Parish of Shute, containing not more than Five Furlongs, comprize the First District of Road authorized to be repaired or made and maintained by the said last-mentioned Act: And whereas the Trustees have borrowed at Interest several Sums of Money on the Credit of the Tolls authorized to be collected upon the said Roads comprized in the said First District, for amending and improving the same, and which Money still remains due and owing, and the Term granted and continued by the said Acts is near expiring: And whereas the said Roads comprized in the said First District cannot be sufficiently amended, widened, improved, and kept in Repair, nor can the Money so borrowed be repaid, or the Interest thereon be discharged, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or varied: And whereas it would facilitate the Execution of the Purposes aforesaid, if the several necessary Powers and Provisions were comprized in one Act, and if the said former Acts, so far as the same relate to the said Roads comprized in the said First District were repealed: 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 Acts of the Twenty-seventh Year of the Reign of King George the Second, and of the Fifth and Thirty-second Years of the Reign of His

Former Acts
repealed.

His late Majesty King *George* the Third, so far as the same relate to the said Roads comprized in the said First District, shall be and the same are hereby repealed, and that this Act shall from thenceforth commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, diverting, improving, and maintaining in Repair the Road leading from a House called *Penn Inn* in the Parish of *Whitechurch Canonorum*, in the County of *Dorset*, through the Town and Parish of *Axminster*, and the Parishes of *Kilminster*, *Shute*, *Dalwood*, *Widworthy*, and *Offwell*, and Part of the Parish of *Honiton*, in the several Counties of *Devon* and *Dorset*, to the Distance of One hundred Yards East of the Entrance into *Shiple Lane* in the said Parish of *Honiton*; and also the Road leading from the East End of the Town of *Axminster* through *Sectar Lane*, and over *Hawkchurch Down*, to or near the *Lyme Regis* Turnpike Road, in the Parishes of *Hawkchurch* and *Whitechurch Canonorum* aforesaid; and also the Road leading from a House called the *Old Inn*, in the Parish of *Kilminster*, in the County of *Devon*, through the Parish of *Shute*, to the Town of *Colyton*, over *Colyton Hill* and *Stoford Common*, home to the *Lyme Regis* Turnpike Road, at or near *Bovey Gate*, within the Parish of *Colyton*, in the said County of *Devon*; and also the Road leading from a House formerly called the *White Hart Inn*, in the Town of *Axminster* aforesaid, through the several Parishes of *Axminster*, *Musbury*, and *Armouth*, in the said County of *Devon*, home to the *Lyme Regis* Turnpike Road, at or near *Boswell Hill* Turnpike Gate; and also a Line of Communication with the said *Armouth* Road, in the said Parish of *Musbury*, leading from *Long Mead Lane* to a Place called *Louds Corner*, in the said Parish of *Shute*, consisting of not more than Five Furlongs, being the First District of the Roads directed or intended by the said recited Act to be amended and repaired; and this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said former Acts, so far as the same relate to the said Roads, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, entered into by any Person or Persons, to or with the Trustees for executing the said former Acts, so far as the same relate to the said Roads, shall remain in full force and effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the said former Acts, so far as the same relate to the said Roads, to or with any Person or Persons, or for any other Purpose, shall remain in full force and effect, and be observed and kept by the Trustees under this Act, and by the other

All Persons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force;

and all Contracts, &c. to continue in force.

respective

respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said former Acts.

Appointment
of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Dorset* for the Time being, and all His Majesty's Justices of the Peace acting for the County of *Devon* for the Time being, together with Sir *William Templer Pole* Baronet, Sir *Bourchier Wrey* Baronet, Sir *William Domett*, Sir *John Talbot*, *James Alexander*, *Josiah Anstice*, *James Anning*, *Henry Anning*, *William Anning*, *Thomas Ayshford*, *John Bragge*, *William Bragge*, *John Bragge* Clerk, *Champness Pleydell Bragge* Clerk, *Frederick Barnes* Clerk, Doctor in Divinity; *Barnaby John Stuckey Bartlett*, *Robert Chick Bartlett*, *George Stanway Bourne*, *William Bond*, *Charles Bond*, *Thomas Bonner*, *John Gaius Coplestone* Clerk, *Robert Cutcliffe* Clerk, *Henry Joseph Carslake*, *Thomas Charles Cawley*, *Charles Cornish*, *George Coombs*, *Joseph Cornish*, *John Cox* Clerk, *Henry Corbin*, *James Coleridge*, *William Drewe*, *Emanuel Domett*, *Francis Dight*, *John Dight* Clerk, *William Domett*, *Joseph Domett*, Clerks; *John Daniel*, *Thomas Dare*, *Hinton East Drake*, *James Davidson*, *John Daw*, *Charles Egerton* Clerk *Egerton* Clerk, *James Edwards*, *Thomas Edwards*, *Edward Cook Forward* Clerk, *Charles Forward* Clerk, *Samuel Forward*, *William Forward*, *John Fraunceis Gwyn*, *Charles Gammes*, *Charles Gordon*, *John William Gill* Clerk, *Robert Gordon*, *John Hothersall Hallett*, *Richard Southcott Hallett* Clerk, *Robert Hallett*, *Thomas Whitty Hallett*, *William Henley*, *Charles Hayman*, *Henry Hoste Henley*, *William Knight*, *Henry Knight*, *Richard Kittle*, *Charles Hutchins Lewis*, *William Liddon*, *James Lendey*, *Rawlin Mallock*, *James Manning*, *William Mayne*, *John Moore* Clerk, Archdeacon of Exeter, *Thomas Marker* Clerk, *Henry Marker* Clerk, *Thomas Nicholls*, *Thomas Newbery*, *John Otten*, *John George Pole*, *Thomas Putt* Clerk, *John Perham*, *Nicholas Pomeroy*, *John Pomeroy*, *Thomas Puddicombe* Clerk, *Payne*, *William Pickering*, *Thomas Palmer*, *Stephen Robinson* Doctor of Medicine, *Thomas Russell*, *William Reed*, *Charles Steer* Clerk, *Henry Shiles*, *James Stocker*, *James Small*, *Samuel Short Symes*, *John Stevens*, *Samuel Stevens*, *Samuel Snook*, *John Snook*, *Samuel Sampson*, *John Sampson*, *Robert Stocker*, *George Slyfield*, *Gould Smith*, *John Smith*, *Septimus Smith*, *William Symes*, *John Sellwood*, *William Spicer*, *William Tucker*, *William John Tucker* Clerk, *Marwood Tucker* Clerk, *William Marwood Tucker* Clerk, *Charles Tucker*, *Charles Tucker* Clerk, *George Tucker* Clerk, *Andrew Tucker* Clerk, *Henry Tippetts Tucker*, *Richard Toller*, *Thomas Taunton*, *Samuel Taunton*, *John Taunton*, *Humphrey Weld*, *Samuel Ranson Whitty*, *William Wills* Clerk, *John Wills*, *William Whitton*, *Henry Wilson*, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Power to
appoint
additional
Trustees.

III. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered from

from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act, and such Persons so elected and appointed, and being duly qualified as herein-after mentioned, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.†

IV. And be it further enacted, That when and so often as any of the Trustees herein named and appointed (except the Justices of the Peace acting for the County of *Dorset* or County of *Devon*), or to be elected and appointed by virtue of this Act, shall die or become disqualified by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands delivered to the Clerk to the Trustees acting in the Execution of this Act, signify his or their Refusal to act, it shall be lawful for the surviving or remaining Trustees, or any Three or more of them, and they are hereby authorized and empowered to elect and appoint some other Person or Persons to be a Trustee or Trustees in the Room of any Trustee or Trustees so dying or becoming disqualified or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, or by any Three or more of the said Trustees; which Notice shall be published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, or affixed on all the Turnpike Gates then standing or being across the said Roads, at least Twenty-one Days previous to every such Meeting; and all and every Person and Persons who shall be so elected and appointed, and shall be duly qualified as herein-after mentioned, shall be a Trustee or Trustees for the Purposes of this Act, and is and are hereby invested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein named.

On Death or Refusal to act, other Trustees to be chosen.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, (except in administering the Oath or Affirmation of Qualification herein-after mentioned), unless he shall, at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate, in Freehold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds; nor until he shall have taken and subscribed an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized and empowered to administer; (that is to say),

Qualification of Trustees.

‘ I do swear, [*or, being one of the People called Quakers,* Trustees
‘ I do solemnly affirm], That I truly and *bond fide* am, in my own Oath or
‘ Right [*or in the Right of my Wife*], in the actual Possession and Affirmation.
‘ [Local.] 39 D ‘ Enjoyment

after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places within the Town of *Axminster*; as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days nor sooner than Ten Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees, by Notice to be inserted in some such public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, or affixed on all the Turnpike Gates on the said Roads, appointing the Trustees to meet at such Time and Place within the said Town of *Axminster* as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Forty Days nor sooner than Ten Days from the Date of advertising such Meeting; and all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the major Part of the said Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three; and the same shall be of as full Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said recited Acts, may be revoked or altered, if Occasion shall require; provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, specifying that such Revocation or Alteration is intended to be moved for, Six Days at least previous to any Meeting to be holden for that Purpose, and the Trustees shall at their several Meetings pay their own Expences.

Adjournments.

If no Adjournment be made, the Clerk or Three Trustees may call a Meeting by Notice.

Powers of the Act may be executed by Three or more Trustees at a Meeting, and their Proceedings shall be as valid as if all the Trustees had acted.

No Order to be revoked unless Five Trustees present and the major Part concur.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary Meetings on Emergencies.

necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk to the Trustees, by or under an Order in Writing signed by Three or more Trustees, or for any Three or more Trustees (although not assembled at a Meeting), to call a Meeting of the Trustees, to be held at such Time and Place in the said Town of *Axminster* as they shall think proper, by Notice mentioning the Time and Place and Purpose of such Meeting, to be published in some public Newspaper circulated in the said Counties of *Dorset* and *Devon*, or on all the Turnpike Gates then standing or being across the said Roads (such Time not being less than Six Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment.

Books to be kept of Proceedings of Trustees.

VIII. 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings so entered, shall be signed by the Chairman of the Meeting at which the same shall be made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said recited Acts, kept according to the Directions or Provisions thereof, and made Evidence thereby, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be Evidence.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

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 Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book and Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, 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 said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Penalty for Refusal of Inspection.

Appointment of Officers.

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer

Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the Trustees, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made; and Ten Days Notice shall be published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, or on all the Turnpike Gates standing or being across the said Roads, of every Meeting where any such Appointment shall be intended to be made after the First Meeting of the said Trustees, specifying the Intention of appointing such Officer or Officers; and the said Trustees shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed or who shall assist in the Execution of this Act for their Services in or about the carrying this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Persons selling Ale, &c. by Retail, not to hold Places of Profit.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer), appointed under and by virtue of the said former Acts, shall hold and enjoy such their several and respective Offices and Employments, until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Old Officers to continue until new ones elected.

XII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, 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,

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

mation, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Trustees may
appoint tem-
porary Col-
lectors.

XIII. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or otherwise misbehave or misconduct himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act; and if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall be discharged, or who shall die, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected or set up by virtue of this Act, for the Space of Four Days after Notice to quit shall have been left in Writing at such Toll House or Building, signed by any Three or more of the said Trustees (although not assembled at a Meeting), then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Dorset* or County of *Devon*, within their respective Jurisdictions, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any One of them, or their new appointed Officer, into the Possession thereof.

Officers to
account,

XIV. And be it further enacted, That each and every Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the former Acts, and who shall be appointed under or by virtue of this Act, shall from Time to Time within Fourteen Days after being thereunto required by Notice signed by Three or more of the said Trustees given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected or received, by virtue of the former Acts and this Act respectively; and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and

Persons shall and they are hereby respectively required, within Fourteen Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands to the said Trustees, or to such Person, or Persons as they the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands within the Time or in Manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint to take the same, within Fourteen Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may, and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons to appear before him, and in case such Officer or Officers, Person or Persons, shall not appear upon such Summons, (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes, to the Satisfaction of the said Justice, being shewn for such Non-appearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received, shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods and Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, or Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts

and pay over Balances.

counts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in any of the Cases aforesaid, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or to such Justice; but no such Officer or other Person who shall be committed for want of sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer,
&c. to give
Security.

XV. And be it further enacted, That the said Trustees shall, and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or other Officer acting in Execution of this Act.

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

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees, and no Action which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but that the Clerk or the Trustee in whose Name such Action shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, he shall pay, bear, sustain, expend or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant or Respondent.

XVII. And

XVII. And be it further enacted, That it shall be lawful for the said Trustees to continue the Turnpike Gates already erected upon, across, or on the Sides of the said Roads, or to remove the same, or any of them, or any Turnpike Gate or Gates hereafter to be erected upon, across, or on the Sides of the said Roads, and to erect or cause to be erected any Turnpike Gate or Turnpike Gates in, upon, or across any Part of the said Roads, and upon the Side or Sides of any Part of the said Roads, and across any Lane or Way, Waste or Common, leading into the same, and also to erect or provide, or cause to be erected or provided, a Toll House or Toll Houses at or near each Turnpike Gate, and from Time to Time to remove or alter the same as they the said Trustees shall think meet or expedient, and also to take in and inclose Garden Spots to such Toll Houses, not exceeding One Eighth of an Acre for each Toll House.

For erecting
Turnpikes.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Turnpike Gates or Toll Gates, and other Gates, Bars, Chains, Rails, Fences, Causeways, Bridges, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto, erected, made, or provided for the Purposes of the said Roads, and now being upon or near the said Roads, or which shall be continued, erected, made, provided, or authorized by virtue of this Act, and all the Materials thereof, and all Materials for building, making, or repairing the same, or for making, improving, or repairing the said Roads, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and it shall be lawful for the said Trustees, and they are hereby empowered to sell and dispose of the same Materials respectively as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer, or cause to be preferred and prosecuted, any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or Building or the Appurtenances, or who shall break down or damage, steal or take away any such Turnpike Gate, Toll Gate, Side Bar, Causeway, Chain, Bridge, Toll House, or other House or Building, Conveniences, and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb the said Trustees or their Lessees, Collectors, Agents, or Servants, in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees for amending, altering, turning, widening, improving, and keeping in Repair the Roads leading to and through the Town of *Arminster*," without naming or otherwise describing the said Trustees.

Toll Gates,
Houses, &c.
vested in
Trustees.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed Collector or Collectors by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Turnpike Gates or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across,

Power to
take Tolls.

[*Local.*]

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or

or on the Side or Sides of the said Roads or either of them, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or Beast of Draught drawing any Coach, Stage Coach, Chariot, Landau, Chaise, Curricule, Calash, Hearse, Phaeton, Chair, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, Caravan, Van, or other such like Carriage, with Wheels of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Six Inches or upwards, and drawn by not more than Four Horses or Beasts of Draught, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or Cart, or such like Carriage, with Wheels of the Breadth of Six Inches or upwards, and drawn by more than Four Horses, the Sum of Five-pence:

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

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

And for every Coach, Chariot, Landau, Chaise, Cart, or other Carriage which shall be attached or drawn behind or along with any other Carriage upon the said Roads, the Sum of Sixpence shall be demanded and taken for every such Carriage having Four Wheels; and the Sum of Three-pence for every such Carriage having Two Wheels, in addition to and over and above the Tolls payable for or in respect of the Horses or Beasts drawing the same.

Which said Toll shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Stage Coach, Caravan, Van, Waggon, Cart, or other Carriage whatsoever shall be permitted to pass through any Turnpike Gate or Toll Gate, or Side Bar or Side Gate or Chain already erected and continued, or to be erected and continued by virtue of this Act upon or across the said Roads, or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Gate to be erected within Two Miles of the West End of Axminster.

XX. Provided always, and be it further enacted, That whenever the said Trustees shall take or cause to be taken at any Gate or Gates, or Side Gate or Side Gates, between the said Town of *Axminster* and the Western End of the said Road near *Shipley Lane* aforesaid, more than One Half of the Toll by this Act granted, then and in that Case the said Trustees shall within Two Calendar Months erect and set up a Turnpike Gate within Two Miles of the Western End of the Town of *Axminster*, at which Gate the said Trustees shall take or cause to be taken from every Person who shall not produce a Ticket denoting

denoting the Payment of Toll at either of the Gates between the said Gate so to be erected and set up, and the Termination of the Road near *Shipley Lane* End, One Half of the Toll granted and made payable by virtue of this Act: Provided also, that the Toll so authorized to be taken at the Gate so to be erected shall not be taken off or reduced until the Tolls payable at all the other Gates on the said Road are reduced to One Half of the Amount by this Act authorized to be taken; and from thenceforth during the Continuance of this Act it shall not be lawful to take at the Gate so to be erected any greater or less Amount of Toll than shall be authorized by the said Trustees to be taken at either of the other Gates on the said Road.

XXI. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of 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 there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free. Tickets to be printed.

XXII. Provided always, and be it further enacted, That no Person or Persons having paid Toll as aforesaid at any One of the said Turnpike Gates, or Toll Gates, Side Bars, Side Gates, or Chains, shall afterwards be liable to pay Toll again for passing or repassing at any Time or Times the same Day (to be computed as aforesaid), with the same Horse, Beast, Cattle, and Carriage through the same Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain. Toll to be paid but once a Day.

XXIII. Provided always, and be it further enacted, That no more than the Tolls following shall be demanded or taken on the said Roads in any One Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle, or Carriages (except Horses or Beasts drawing any Stage Coach, Van, Caravan, Stage Waggon or other Stage Carriage); that is to say, no more than One Toll between the said Town of *Axminster* and *Penn Inn*, nor more than One Toll between the said Town and the *Lyme Regis* Turnpike Road on *Hawkchurch Down*, nor more than One full Toll between the said Town and the End of the said Road near *Shipley Lane* aforesaid, nor more than One full Toll between the said Town and the Town of *Colyton*, nor more than One Toll between the said Town of *Axminster* and the *Lyme Regis* Turnpike Road, at or near *Boswell Hill* Turnpike Gate aforesaid; provided also, nevertheless, that the said Tolls shall be payable at any Side Gates on either of the said Roads for such Horses, Beasts, Cattle, or Carriages, in respect whereof such Tolls shall not have been paid in the same Day, to be computed as aforesaid, at any Main Gate on such Road; provided also, that Payment of Toll at any Side Gate on either of the said Roads shall exempt such Horses, Beasts, Cattle, or Carriages from Toll at any Main Gate on the same Road on the same Day, to be computed as aforesaid. Limiting the Number of Tolls on the whole Line of Roads.

XXIV. Provided also, and be it further enacted, That the said Tolls shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Stage Coaches, &c. to pay every Time of passing.

or other Stage Carriage carrying Passengers or Goods for Pay or Reward, every Time of passing or re-passing along the said Roads, or either of them.

Post Horses
to return
Toll-free
another Day.

XXV. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage, for which any Toll shall have been paid at any Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain erected or to be erected on the said Roads, shall, on returning at any Time before Nine o'Clock on the following Morning (except in case of a new Hiring) be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike Gate or Toll Gate, Side Bar, Side Gate, or Chain on the same Day.

Allowing
Horses to
draw in Pairs
Carriages
with Narrow
Wheels.

XXVI. Provided always, and be it further enacted, That it shall be lawful for all Waggon, Wains, and Carts to pass upon the said Roads with Double Shafts, and drawn by Horses abreast or in Pairs, although the Fellies of the Wheels of any such Waggon, Wain, or Cart shall be of a less Breadth or Gauge than Six Inches; any Law or Statute to the contrary notwithstanding.

Waggon,
&c. allowed
Privileges
and Exemp-
tions granted
by 55 G. 3.
c. 119.

XXVII. Provided also, and be it further enacted, That for or in respect of all Waggon, Wains, Carts, or other such Carriages, having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses and other Beasts drawing the same, the Privileges and Exemptions granted by the said Act shall be had and enjoyed.

Tolls may be
distrained
for.

XXVIII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable, shall after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Collector or Collectors of such Tolls, by himself, herself, or themselves, or taking such Assistance of any other Person or Persons as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses), Saddles, Harness, Gears, or Accoutrements of such Horse, Beast, or Cattle, or the Loading of such Horse, Beast, Cattle, or Carriage, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Toll as aforesaid; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the
Money

Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted, to be ascertained and determined as herein-after mentioned, in case of any Dispute concerning the same.

XXIX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant every such Justice is hereby empowered to issue) and the Overplus (if any) after Payment of such Costs, and the reasonable Costs of such Distress and Sale (to be ascertained and determined, in case of Dispute concerning the same, by such Justice), shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice.

XXX. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, Cart, or Carriage through or by any private Land, Ground, Road, Lane, Passage, Way, Gate, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants), for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or by such private Land, Ground, Road, Lane, Passage, Way, Gate, or Place, with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll shall be thereby evaded; or if any Person, not having paid the said Toll, shall offer or produce and use any such Ticket with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any

Penalty on Persons evading the Tolls.

[Local.]

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Horse

Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly or wilfully pass through any Turnpike Gate or Toll Gate, with any Horse, Beast, Cattle or Carriage, without Payment of the Toll, or of any Part thereof, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Collectors of
Tolls and
others not
incompetent
Witnesses.

XXXI. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the Tolls by this Act granted, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Roads or any Part thereof doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

General
Exemptions
from Toll.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; nor for any Horses, Cattle, or Carriages of whatever 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; nor for any Horses, Cattle, or Carriages employed in carrying or conveying or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Persons be dressed 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 Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said Counties of *Dorset* and *Devon*, or either of them, during the Time of such Election, or on the Day before or Day after such Election shall begin

or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying or returning from carrying or conveying any Person or Persons in Custody under a legal Warrant; nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on other his parochial or ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall be buried in any Parish, Township, or Hamlet in which any Part of the said Roads lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose of carrying or conveying Hay or Straw, or Corn in the Straw only, or Billet, Pulse, Wood, Apples, Potatoes, Turnips, Furze, Peat, or Turf, not sold or disposed of or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, Wharfs, or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Things used therein, belonging to any Inhabitants or Occupiers of Lands in any such Parish, Township, or Hamlet, or any Lime, Mould, Dung, Ashes, Compost, or Manure for manuring or improving any Lands; nor for any Cattle, Horses, or Farming Stock going to or from Lands or Grounds in the Occupation of any Person or Persons to other Lands or Grounds in the Occupation of the same Person or Persons within any such Parish, Township, or Hamlet; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or going to or from Water or Pasture, or going to be or returning from being shod or farried; nor for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Gravel, Sand, Stones, Bricks, Timber, Wood, or other Materials for making and repairing the said Roads, or any other Highway or public Road within any such Parish, Township, or Hamlet, or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges, or Causeway or Causeways on the said Roads; nor for any Horse, Cattle, Beast, or Carriage going no more than One hundred Yards upon the said Roads; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Carriages for His Majesty's Service not to be weighed.

XXXIII. Provided always, 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 such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses or other Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Tolls may be lessened, &c.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered from Time to Time, as they shall think proper, to lessen or reduce, and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken; and so that Notice, specifying the Intention of reducing or altering the Tolls, and the Time and Place of holding the Meeting or Meetings for the Purpose, shall have been published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and provided that no such Reduction be made (except at the First Meeting of the Trustees to be held in pursuance of this Act) without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall then be due upon the Credit of the Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls to be reduced One Half when Monies borrowed are paid off and Roads put in perfect Repair.

XXXV. Provided always, and be it further enacted, That when the whole of the Monies borrowed on the Credit of the Tolls granted by the said former Acts on the said First District of Road, or to be borrowed on the Credit of the Tolls by this Act granted, shall have been paid off and discharged, and all Arrears of Interest thereon, and when the said Roads shall be certified by Two Justices for the said County of *Dorset*, and Two Justices for the said County of *Devon*, to be in a perfect State of Repair, it shall not be lawful for the said Trustees to demand or take, or to cause to be demanded or taken by virtue of this Act, any Tolls exceeding in Amount One Half of the respective Tolls hereby granted for Horses or Beasts of Draught drawing any Coach, Stage Coach, Chariot, Landau, Chaise, Curricule, Calash, Hearse, Phaeton, Chair, Taxed Cart, Waggon, Wain, Cart, Caravan, Van, or other Carriage, any thing in this Act contained to the contrary notwithstanding; provided also, that in case there shall be a Fraction of a Halfpenny, then the whole Sum of One Halfpenny may be demanded and taken.

XXXVI. And

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Horses, Beasts, Carriages, or Cattle travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Horses, Beasts, Carriages, or Cattle; and such Composition Money shall be paid in advance quarterly or otherwise, and in Default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void, and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be compounded for.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years upon Public Bidding to the best Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Monthly in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions, Provisoos, and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding: Provided always, that Notice, specifying the Intention of letting the Tolls, shall be published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, Twenty-one Days at least before the Time of holding any Meeting for the Purpose; and the Rent or Money arising by such Letting shall be applied in Manner directed by this Act.

Tolls may be leased.

XXXVIII. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases, of the Tolls on the said Roads, or either of them heretofore granted, shall on the Third *Thursday* after the passing of this Act cease and be void; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, shall on the Vacation or Avoidance of such Demises, Leases, or Agreements, refuse or neglect to deliver up the Possession of the Toll Houses, Toll Gates, Bars, Chains, or Weighing Machines, and the Buildings and Appurtenances thereunto belonging, comprised in any such Demises, Leases, or Agreements, to the said Trustees, or any other

Leases to be vacated.

Satisfaction
to be made to
Lessees.

Persons acting under their Authority; after Demand thereof made, then it shall be lawful for the said Trustees to remove such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, in such Manner as is herein-after directed with respect to the Removal of the Lessee or Lessees, Farmer or Farmers of the Tolls to arise and be made payable under this Act, whose Lease or Leases, Contract or Contracts, shall be avoided or vacated, as is herein-after mentioned: Provided always, that the said Trustees shall on or before the said Third *Thursday* after the passing of this Act, and they are hereby authorized, directed, and required, to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she, may or might thereby sustain; and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and also (unless the Amount recovered shall be less than the Sum tendered by or on Behalf of the said Trustees) shall have and recover their full Costs of Suit: Provided also, that in case the said Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements, shall continue in force for the Remainder of the respective Terms for which the same, or any of them, shall have been granted, then and in such Case such Lessees or Lessee shall pay such Sums of Money, or such additional Rent to the said Trustees as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Lease; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Seven Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee to or at the Office of the Clerk of the said Trustees.

Lessees or
Persons ap-
pointed by
them may
collect Tolls.

XXXIX. And be it further enacted, That during such Time as the Tolls arising on the said Roads, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed, (such Rents and Covenants being duly paid and performed) shall and may demand and take the said Tolls so leased, demised, farmed, or let, in the like Manner and

and with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act, may by virtue of this Act demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains and Penalties, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed or continued by virtue of this Act is subject or liable to.

XL. And be it further enacted, That in case all or any of the Tolls arising on the said Roads shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract, shall in any other Manner become void; then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Dorset*, or County of *Devon*, within their respective Jurisdictions, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hand and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Person acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract, for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part), as if such Lease, Agreement, or Contract had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XLI. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll

Penalty on Collector, &c. taking greater or

less Toll than
allowed.

Toll not authorized to be taken, or a greater or less Toll than is authorized to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and his Contract for renting the Tolls shall be vacated, if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand or taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on
Collectors,
&c. suffering
Carriages to
pass without
weighing.

XLII. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Turnpikes or Toll Gates erected or continued, or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any Weighing Machine or Machines, which is or may or shall at any Time hereafter be erected on the said Roads, shall suffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any such Machine or Machines, to pass through the Turnpike or Toll Gate erected or continued, or to be erected on the said Roads, without being weighed; or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Roads, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Collectors,
&c. com-
pounding for
Overweight.

XLIII. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Toll Gate erected or to be erected on the said Roads, or any Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition, or other Agreement, verbal or written, by the Year or otherwise, wherein or whereby any specific Sum or Sums of Money, in gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight, for or in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at such Weighing Machine or Machines, then and in every such Case each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines so bargaining, contracting, compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay (over and besides the Costs and Charges attending the Conviction), any Sum not exceeding Ten Pounds, and shall also forfeit his or their Contract or Lease for renting the said Tolls, if the said Trustees shall

think proper to order that the same shall be thereupon vacated and made void, and every such Composition shall be and the same is hereby declared to be null and void.

XLIV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, 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 this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for Collection of the said Tolls, to place his Christian and Surname at full Length, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House, or Turnpike Gate or Toll Gate, 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 White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall 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 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 printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Toll has been paid, and also the several Gates freed by such Payment, if any, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, 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: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Toll Collectors from misbehaving, &c.

Penalty on obstructing Collectors.

XLV. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Acts, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

under the said recited Acts, or any of them, as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and that all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer of the said Trustees to be applied for the Purposes of this Act.

Power to borrow Money and to assign Tolls.

XLVI. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said Roads, such Sum or Sums of Money as they shall think necessary; and they are hereby also authorized and empowered either at any Meeting or Meetings, or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Three or more of them, and be in the following Form, or in Words to the like Effect; (that is to say),

Form of Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King George the Fourth, intituled *An Act [here insert*
 ‘ *the Title of this Act]* we of the Trustees of the
 ‘ said Roads, whose Names are hereunto set and Seals affixed, in con-
 ‘ sideration of the Sum of _____ by
 ‘ paid to the Treasurer of the said Trustees, do hereby grant, bargain,
 ‘ sell, and demise unto *A. B.* his, [her, or their] Executors, Admini-
 ‘ strators, and Assigns, such Proportion of the Tolls arising by virtue
 ‘ of the said Act, and of the Turnpikes and Toll Houses for collect-
 ‘ ing the same, as the said Sum of _____ doth or shall
 ‘ bear to the whole of the Monies owing and secured on the Credit
 ‘ thereof, to be had and holden from the Date hereof, for and during
 ‘ the Continuance of the said Act, unless the said Sum of _____
 ‘ with Interest at the Rate of _____ *per Centum per Annum*, shall
 ‘ be sooner paid and satisfied. Given under our Hands and Seals
 ‘ this _____ Day of _____ in the Year of our Lord One
 ‘ thousand eight hundred and _____

Copies of Mortgages to be entered in a Book.

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; but no Money shall be borrowed on the Credit of the said Tolls, unless Notice of the Intention of borrowing the Money shall be affixed upon all the Turnpike Gates on the said Roads, or published in some public Newspaper usually circulated in the said Counties of *Dorset* and *Devon*, at least Twenty-one Days before the borrowing of such Money; and all and every Person or Persons to

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 the Tolls
and Money to
be borrowed.

XLVIII. And be it further enacted, That out of the Monies already received by virtue of the said former Acts, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same ; and the Remainder of all such Monies shall from Time to Time be applied, in the second Place, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said former Acts, and which by virtue of and under the Powers of this Act may be borrowed on the Credit of this Act, and in erecting Turnpikes and Toll Houses, and in amending, altering, turning, widening, improving, and keeping in repair the said Roads, and in otherwise putting this Act into Execution ; and lastly, in repaying the Principal Monies already borrowed by virtue of the said Acts, or to be borrowed by virtue of this Act.

Monies,
Tolls, &c. not
to be applied
in paving
Streets.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out and apply any of the said Monies arising by the Tolls granted and made payable by this Act in paving, lighting, or watching any of the Streets of any Town or Village through which the said Roads so to be amended by virtue of this Act shall lead and go.

Providing a
Fund for
buying up
outstanding
Securities.

L. Provided also, and be it further enacted, That from and after the Twenty-ninth Day of *September* One thousand eight hundred and twenty-two, such Sum as the said Trustees shall think proper, not less than the Amount of Five Pounds *per Centum* and not exceeding the Amount of Ten Pounds *per Centum* upon the clear Produce of the said Tolls, shall from thenceforth be charged on and during the Continuance of this Act, be appropriated and paid out of the Tolls to arise at the several Gates on the said Roads; in order to form a Sinking Fund for the gradual Payment of the Debt which has been already incurred by virtue of the said recited Acts on the said First District of Roads ; and the said Trustees shall from Time to Time apply and dispose of the Monies so appropriated in the Redemption and Purchase of such Mortgages and Securities, in such Manner as the said Trustees shall think proper: Provided also, that it shall not be lawful for the said Trustees to borrow any Money on the Credit of the Tolls by this Act granted, until all the Money borrowed on the Credit of the Tolls granted by the said former Acts on the said First District of Road shall have been paid off and discharged, together with all Arrears of Interest thereon.

LI. And

LII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to make, amend, alter, turn, widen, and improve the Course or Path of any Part or Parts of the said Roads in, upon, over, or through any private Lands or Grounds, and lay into the said Roads any Lands or Grounds of any Person or Persons (not being a House or other Building, or Part of any Garden or Yard adjoining to any House, or any Orchard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House), not exceeding Thirty Feet in Width, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and also through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Roads or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Roads or Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees may widen, &c. the Roads.

LIII. Provided always, and be it further enacted, That the said Trustees in making, altering, turning, or improving any Part of the said Roads under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line thereof, 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; and provided also, that the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Deviation not to exceed 100 Yards from the present Road without Consent.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

LIII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, to treat, contract, and agree with the Owners of and Persons interested in any private Lands, Tenements, or Hereditaments to be taken or made use of by virtue of this Act for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, amending, altering, turning, widening, or improving the said Roads, or any Part thereof, through or over such Lands, Tenements, or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Coporations Aggregate or Sole, Tenants for Life or

Trustees may contract for the Purchase of Land.

Corporations and incapacitated Persons empowered to sell, &c.

[*Local.*]

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in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Females Covert, who are or shall be seised or interested in their own Right or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to treat, contract, and agree with the Trustees for executing this Act for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto the said Trustees any such Lands, Tenements, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat,

Damage to be settled by a Jury.

LIV. And be it further enacted, That if such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments intended to be taken in and added to the said Roads, and through which any Part of such Roads is to be made, varied, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said Counties of *Dorset* or *Devon*, as the Case may require; and in order thereto the Trustees for executing this Act are hereby empowered and required, from Time to Time as Occasion shall be or require, to summon and call before such Jury and examine upon Oath any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and assessed such Damage 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 said Owners and other Persons interested in such Lands, Tenements, or

Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, under the Hands of any Three or more of them the said Trustees, to the Sheriff of the County in which such Lands or Hereditaments lie, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for one Offence.

Trustees to issue their Warrant to the Sheriff to summon the Jury.

LV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by or on the Behalf of the said Trustees before the impannelling of the Jury, as a Recompence

How Expences of the Jury shall be paid.

or

or Satisfaction for any such Right, Interest, Property, Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, out of the Money to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose, by the Party or Person entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by or on Behalf of the said Trustees before the impanelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damages as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

LVI. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons, or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to make, widen, divert, turn and alter such Roads through or over such Lands, Tenements, or Hereditaments, and to do all and every such Acts, Matters and Things, with relation to such Lands, Tenements, or Hereditaments as the said Trustees shall think fit, according to the Directions of this Act; and all the Lands, Tenements, and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments; and the Land constituting Part or Parts of any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet or Place to which the new Road does not lead, shall be vested in the said Trustees, and sold as herein-after mentioned, or shall and may be shut up and discontinued, or left unrepaired: Provided always, that no such former Road shall be so shut up, or any Part thereof sold as aforesaid, until a Certificate shall have been obtained by the said Trustees, or their Surveyor or Surveyors, under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate, certifying that such old Road is become useless and unnecessary, according to the true Intent and Meaning of this Act; and in case the said Justices shall refuse such Certificate, then such Part or Parts of the said former Roads for which no such Certificate can be obtained as aforesaid, shall remain open as a Common Highway, and the said Trustees shall be and are hereby discharged from the Care and Management thereof.

Money agreed or assessed how to be paid or tendered.

Old Roads may be shut up.

LVII. And whereas by reason of the Purchases which the said Trustees are empowered and authorized to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act, or of some Piece or Pieces of old Road as aforesaid; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of overplus Ground, or of such Piece or Pieces of old Road (not being Common or Waste Land) as aforesaid, either together or in Parcels, and either by public Sale or private Contract, as they shall think fit, and to convey the same for the best Price that can or may be reasonably had or gotten

Trustees empowered to sell Land not wanted.

[Local.]

39 L

for

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor, &c.

In case the Persons cannot agree, the Value to be determined by a Jury.

Application of Compensation Money if amounting to 200l.

for the same, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands or Premises shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Three or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof in any Manner they may think proper; and all Conveyances of such Pieces of old Road, being executed by any Three or more of the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Dorset* or County of *Devon*, as the Case may require, shall be good and effectual in Law to all Intents and Purposes.

LVIII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement,

Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there, *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, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances 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 as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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, or Hereditaments, so to be purchased, in case such Purchase or Settlement was made.

LIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing

Where less than 200*l.* and amounting to 20*l.*

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

Where under
20l.

LX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of
not making
out Titles,
&c.

LXI. 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, taken, or used under or by virtue of the Powers 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 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 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 High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the said 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

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 therein 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 of *England* as aforesaid.

LXII. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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 shown to the Satisfaction of the said High 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 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.

In case of
disputed
Titles.

LXIII. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order reason-
able Expences
to be paid by
Trustees.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Roads, acting under the Authority of the said Trustees, and all such Persons as he or they shall appoint, to search for, cut, dig, gather, get and

For getting
Materials to
repair the
Roads.

[*Local.*]

39 M

take

take away any Furze, Heath, Stones, Gravel, Sand, Earth, or other Materials for amending, altering, turning, widening, improving, and keeping in repair the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook in any Parish, Town, Village, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, Hamlet, or Place within the said Counties of *Dorset* or *Devon*, 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 where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials, proper in the Judgment of the said Trustees for the Repair of the said Roads, cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the said Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the County or Place in which the Lands, Fields, or Grounds shall lie or be situate (as the Case may be) search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, Bodies Politic or Corporate, in any Parish, Township, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being the Ground whereon any Dwelling House stands, nor a Garden, Orchard, Yard, Lawn, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, altering, improving, or repairing the said Roads shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Justice or Justices of the Peace acting in and for such County or Place as aforesaid, on Ten Days Notice thereof being given by the said Trustees, or such Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or one of their respective Families or Servants (as the Case may be) shall and may adjudge and determine to be reasonable; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Millweir, or Dam, nor to injure any Building or Highway on any Account or Pretence whatsoever.

Notice to be
given before
Materials
taken.

LXV. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, against the Consent of the Owner or Occupier, to dig, gather, get, take, or carry away any
Materials

Materials for repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing, signed by Three or more of the said Trustees, or by such Surveyor or Surveyors, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor, or other Person or Persons, to dig, gather, get, take, and carry away such Materials 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 herself, or by his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he or they, or any of them, is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

LXVI. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited, and whereupon the Ground, Earth, Stones, and other Matters and Things which it may be necessary to dig and remove in the widening, turning, altering, diverting, or repairing the said Roads, or any Part thereof, or any worn Materials may be laid; be it also enacted, That it shall and may be lawful for the said Trustees to treat, contract, and agree with the several Owners or Proprietors, and Occupiers of and Persons interested and entitled unto any Lands or Hereditaments adjoining to the said Roads, or any Part thereof, who shall be willing and desirous to sell the same, for the Purchase of so much thereof as they shall think necessary for any of the said Purposes, such Parcels of Land to be so purchased not exceeding in the whole One Acre, and out of the Monies to arise from the Tolls upon the said Roads, or to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments; and the said Parcels of Land, when so purchased, shall for ever after be Part of and be deemed to belong to the said Roads.

For purchasing Lands to lodge Materials, &c.

LXVII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered in any Land, Field, Ground, Waste or Common, River or Brook, for the making or repair of the said Roads, or for any of the Purposes aforesaid, or shall get, raise, take, or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, or any of the Purposes aforesaid, before the said Surveyor and Surveyors, or his or their Workmen, shall have discontinued working therein for the Space

Penalty on taking away Materials raised by Surveyors.

of

of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made as to Materials for his or her own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

For removing
Annoyances
and Nui-
sances.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Roads, acting under the Authority of the said Trustees, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances made or occasioned on any Part of the said Roads by any Carriages, or any Timber, Wood, Stone, Ashes, Dung, Filth, Rubbish, Straw, or other Matter or Thing being placed or left thereon; or by any Pig Sties, Hovels, Sawpits, or other Pits, on the Sides of the said Roads, within Thirty Feet from the Centre thereof; and to turn or divert any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof, into the adjoining Land, the same not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or Nursery for Trees; and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune, cut, or lop, at proper Seasons of the Year, any Shrubs or Bushes, or Branches of Trees growing on the said Roads, or in the Hedges, Fences, or Banks adjacent thereto, within Fifteen Feet of the Centre thereof, (unless the same be an Ornament or Shelter to any House or other Building, or be in any Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or Nursery for Trees), and to take and carry away the Prunings or Loppings thereof, and to cut and reduce all such Hedges to the Height of Six Feet above the Level of the Ground on which the same may grow or stand, in case the Person or Persons to whom any such Carriages, Timber, Stone, Dung, or other Matter or Thing, or such Pig Sty, Hovel, or Pit, shall belong, or occasioning such Nuisances and Annoyances, shall neglect to remove the same within the Space of Twenty Days after receiving Notice from the Surveyor so to do, or in case the Owners or Occupiers of the Lands shall neglect to turn, divert, open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to remove such Prunings, Cuttings, or Loppings, or to reduce such Hedges in such Manner as the Trustees or Surveyor or Surveyors shall require, for the Space of Fifteen Days next after Notice in Writing given for those respective Purposes, under the Hand or Hands of the said Trustees or such Surveyor or Surveyors, or so near to such Time as the proper Season will allow for such reducing of Hedges, or cutting or lopping of Branches, the Charges whereof (to be settled by any Justice of the Peace for the County or Place where the same shall occur, by Writing under their or his Hands or Hand), shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to turn, open, scour, or cleanse, or to deepen, widen,
and

and enlarge any such Gutter, Ditch, Conduit, Drain, or Watercourse, or to prune, cut, or lop such Shrubs, Bushes, or Branches, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting, or refusing to remove such Annoyances as aforesaid; which Charges shall be recovered, levied, apportioned, applied, and disposed of in such Manner as the Penalties, Forfeitures, and Fines are by this Act directed to be recovered, applied, and apportioned.

LXIX. And be it further enacted, That if any Person shall from and after the passing of this Act encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence, on any Part of such Roads (except Turnpike Houses and Appurtenances thereto erected by Order of the said Trustees), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Forty Shillings, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, after Twenty Days Notice in Writing to remove the same shall have been given by the Surveyor or Surveyors of the said Roads to the Person or Persons making or occasioning such Encroachments, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer) to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

For prevent-
ing En-
croachments
on the Side
of Roads.

LXX. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed so as to open or swing into or towards any Part of the said Roads, except the respective Hanging Posts shall be so far removed from the Centre of the said Roads, that no Part of such Gate respectively when opened shall swing or hang over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing by or from any Surveyor of the said Roads, cause such Gate to be hung in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Roads shall and may and he is hereby authorized to cause the Gate and Hanging Posts to be removed, and to be placed and hung according to the Directions of this Act, and the Person or Persons guilty of such Neg-

Gates not to
open towards
the Roads.

lect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Gate shall be situate, and upon Conviction upon the Oath of One credible Witness of the giving of such Notice and of such Neglect or Default, 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 Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds, for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Power to
make Cause-
ways and
Drains.

LXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Roads acting under the Authority of the said Trustees, and such Person or Persons as he or they shall appoint or employ, to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways upon or along any Part of the said Roads, in such Manner as they shall think proper; and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, (such Ground not being the Site or Ground whereon any House or Houses stand, nor being at the Time used as a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches, upon the said Roads, or across any Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a public Highway, whilst such narrow or ruinous Part of the said Roads be repairing or widening, and until such Time as the same shall be made convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, then it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be
measured and
Milestones
and Direc-
tion Posts,
&c. set up.

LXXII. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of every Stone

Stone or Post from any Town or Place; and the said Trustees shall and they are hereby required also to cause to be set up and maintained Direction Posts and Boards on the principal Side Openings of the said Roads, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and the said Trustees may, if they shall see fit, also order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Roads, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and shall from Time to Time cause all such Inscriptions as aforesaid to be cleansed and kept legible, and shall also cause proper Tables of the Tolls by this Act granted and made payable to be affixed and put in the Front or on some other conspicuous Part of the several Toll Houses to be erected by virtue of this Act, and to be kept clean and legible, and the said Trustees shall and they are hereby required to cause the Name of the Gate to be painted in legible Characters (each of the Letters of every such Name to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground), at the Top or Head of such Tables of Tolls.

LXXIII. And be it further enacted, That all every Person and Persons, Counties, Towns, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate, and Collegiate, and the Members thereof, who heretofore hath or have used, or of Right ought to repair any Part of the said Roads, or any Bridge, Watercourse, Drain, or Sewer in or upon the same, or to pay any Sum or Sums of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, shall, notwithstanding this Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money in the same Manner as he, she, or they and every of them would have been in case this Act had not been passed.

Persons, &c.
before liable
to Repairs, to
continue so.

LXXIV. 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 as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lies, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions, 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, Township, Hamlet, Division, or Place, in lieu of or as a Composition for such Statute Work,

Statute
Labour.

Justices to
determine
Differences
touching
Statute
Work.

Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors for every such Parish, Township, Hamlet, Division, 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, Township, Hamlet, Division, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors by their Order, 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, Township, Hamlet, Division, 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 this 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, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, 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,

said, 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 said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, 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 and pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by this Act may be recovered, and are herein-after directed to be apportioned and applied.

LXXV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, Hamlets, Divisions, or Places in which the said Roads lie, or with the Surveyor or Surveyors of such Parishes, Townships, Hamlets, Divisions, or Places, for a certain Sum of Money by the Year or otherwise, as the said Trustees or their Surveyor or Surveyors by their Order shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants or Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance on or before the First Day of *March* in each and every Year, or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, Hamlet, Division, or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

LXXVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for amending, altering, widening, improving, or repairing the said Roads, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Clerk or Treasurer, Surveyor, or other Officer with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such

Trustees may contract for altering or repairing the Roads, &c.

other Parties; and that Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for amending, altering, turning, widening, improving, or repairing the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty for
certain Of-
fences.

LXXVII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, break, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Milestones, or Tables of Tolls on any Part of the said Roads, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or if any Person or Persons shall wilfully pull up, break, injure, or damage any other Posts, Rails, or Fences; now or at any Time hereafter to be placed or put up by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents; or if any Person or Persons shall wilfully injure or damage any Causeway or Causeways on or adjoining any Part of the said Roads, or shall break or damage the Fence or Fences on the Side or Sides of any such Causeway or Causeways, or break, throw down, injure, or damage any Posts, Rails, or Pales 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 now erected or hereafter to be erected across the said Roads, or otherwise damage any such Causeway, Bridge, or Arch, or wilfully or carelessly cause any such Damage to be done; or if the Driver of any Waggon, Wain, Cart, or other such Carriage, or any other Person, shall wilfully or carelessly pull up, break, or damage any Post or Stone to be erected for the Security of any such Causeway, or wilfully or carelessly drive the Wheel of any Carriage against the same; or if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber which shall be conveyed upon a Wheel Carriage to drag upon any Part of such Roads to the Prejudice thereof; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil from off any such Causeway or any other Part of the said Roads; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways already made or to be made upon or near the said Roads for the Use of Foot Passengers, or shall

shall wilfully drive any Waggon, Truck, Wheelbarrow, or other Carriage upon or along any such Footway or Causeway, or any Part thereof, or into the Gutters, Ditches, or Troughs by the Sides of the said Roads, or lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon; or if any Person shall turn loose any Horse, Ass, Beast, Sheep, or Swine upon the said Roads, or suffer any Horse, Ass, Beast, Sheep, or Swine to be turned loose, or to wander or stray, or to be or remain upon the said Roads to graze or depasture on the Sides thereof; or if any Person or Persons driving any Swine upon the said Roads, shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person on Horseback, or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on the Left or Near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall in or upon any Part of the said Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop, or Shambles, into any Part of the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre of the said Roads; or if any Person shall dig, make, or use any Pit or Pits for sawing of Timber; or if any Person shall play at Football or any other Game on any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such loading or unloading be placed as near to the Side of the Road as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning, or Hut on the Sides of the said Roads, or any Part thereof, or make any Fire or Fires on the Sides of the said Roads, or any Part thereof; or if any Person shall lay or place any Dung, Manure, Timber, Planks, Bricks, Stones, Tiles, or other Thing on any Part of the said Roads; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage on going up a Hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Waggon, Wain, Cart, or other Carriage shall have been blocked or stopped; or on going down a Hill shall drag such Waggon, Wain, Cart, or other Carriage without a proper Shoe-drag; or if any Person driving any Horse or other Beast on the said Roads conveying any Iron Bar, or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, or other Matter or Thing, so that the
same

same or any of them shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads, every Person offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence; and every such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or one of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and such Satisfaction or Damages shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Penalty on
Drivers of
Carriages
misbehaving.

LXXVIII. And be it further enacted, That if the Driver or any other Person or Persons having the Care of any Waggon, Wain, Cart, or other such like Carriage, shall by Negligence or wilful Misbehaviour cause any Hurt, Damage, or Injury to any Person or Persons, or to any Coach, Chaise, or other such like Carriage travelling on the said Roads, or shall quit the said Roads and go on the other Side of the Hedge or Fence inclosing the said Roads, or wilfully be at such a Distance from such Waggon, Wain, Cart, or other such like Carriage, or be in such a Situation whilst the same shall be passing on the said Roads that he or they cannot have the Direction, Care, and Management of the Horses drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage whatever, or of any of His Majesty's Subjects; or if the Driver of any empty and unloaded Waggon, Wain, Cart, or other such like Carriage shall refuse or neglect to turn aside and make Way for any Coach, Chariot, Chaise, Curricule, Gig, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive or act as the Driver of any Coach, Chaise, Postchaise, or other Carriage let to Hire, or any Waggon, Wain, Cart, or other Carriage, not having the Name or Names of the Owner or Owners thereof painted thereon as by Law required, or shall cover over and conceal such Name or Names from being seen and read, or shall refuse to discover the real and true Christian and Surname and Place or Places of Abode of the Owner or Owners of such Carts or other Carriages, or shall be found riding in, upon, or on the Shafts of any such Waggon, Wain, Cart, or other Carriage not authorized by Law so to do, every Person and Persons so offending in any of the Cases aforesaid, and being convicted of any such Offence, shall forfeit and pay any Sum of Money not exceeding Two Pounds, in case such Driver be not the Owner of such Waggon, Wain, Cart, or other Carriage; and in case the Offender or Offenders be the Owner or Owners of such Waggon, Wain, Cart, or other Carriage, then any Sum not exceeding Five Pounds; and the Owner or Owners of any such Waggon,
Wain,

Wain, Cart, or other Carriage shall be answerable for any Penalty or Penalties incurred by the Driver or Drivers thereof.

LXXIX. And be it further enacted, That if any Horse, Ass, Cattle, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for any Surveyor of the said Roads for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall and may be lawful to and for such Surveyor or Person or Persons impounding the same to sell or cause to be sold every such Horse, Ass, Sheep, Swine or other Beast or Cattle; and the Overplus of the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LXXX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods and Chattels of such Trustees or their Treasurer.

LXXXI. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being as the Case may be.

For securing transient Offenders.

LXXXII. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Dorset*, or County of *Devon*, within their respective Jurisdictions, near to the Place where the Offence or Offences shall be committed, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Recovery of Penalties and Forfeitures;

LXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Dorset* or County of *Devon*, within their respective Jurisdictions, either by the Confession of the Party offending, or by the Oath of any credible

Witness

Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer); be levied (in case of Non-payment) by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not upon Conviction be paid forthwith, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Dorset* or County of *Devon*, as the Case may require, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

and Application thereof.

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

Form of Conviction.

County of } BE it remembered, That on the
 (to wit.) } Day of
 Lord One thousand eight hundred and A.B. is convicted
 by and before of His Majesty's Justices of the Peace
 for the said County of for that the said [here state
 the Offence, and the Time and Place when and where the same was
 committed], contrary to an Act made in the Third Year of the Reign
 of King George the Fourth, intituled *An Act* [here set forth the Title
 of

‘ of this Act], and we the said Justice [or, I the said Justices, as
 ‘ the Case may be], do hereby adjudge and determine that the said
 ‘ shall for the said Offence forfeit and
 ‘ pay the Sum of of lawful Money of Great
 ‘ Britain, to be distributed and applied as the said Act directs.
 ‘ Given under our Hands and Seals, [or, my Hand and Seal] the Day
 ‘ and Year first above written.’

Persons ag-
 griev'd may
 appeal to the
 Quarter Ses-
 sions.

LXXXV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may within Thirty Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County or Place where the Cause of Appeal shall arise, unless such Complaint shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants in either Case first giving or causing to be given Fourteen Days Notice in Writing preceding either such Sessions, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be) with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured, as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the Justices may at such Sessions, or at any subsequent Sessions, by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for the said Counties of *Dorset* or *Devon*, as the Case may require, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Proceedings
 not to be
 quashed for

LXXXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any
 Pro-

Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for Want of Form, 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*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Want of Form.

LXXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fifteen Days Notice thereof shall be given to the Clerk to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County or Place where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his and 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 be so done, or that such Action or Suit shall be brought before Fifteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Limitation of Actions.

General Issue.

Treble Costs.

LXXXVIII. 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.

[*Local.*]

[39 Q]

LXXXIX. And

Commence-
ment and
Continuance
of this Act.

LXXXIX. And be it further enacted, That this Act shall com-
mence upon the passing thereof, and shall continue and be in force
for Twenty-one Years, and from thence to the End of the then next
Session of Parliament.

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